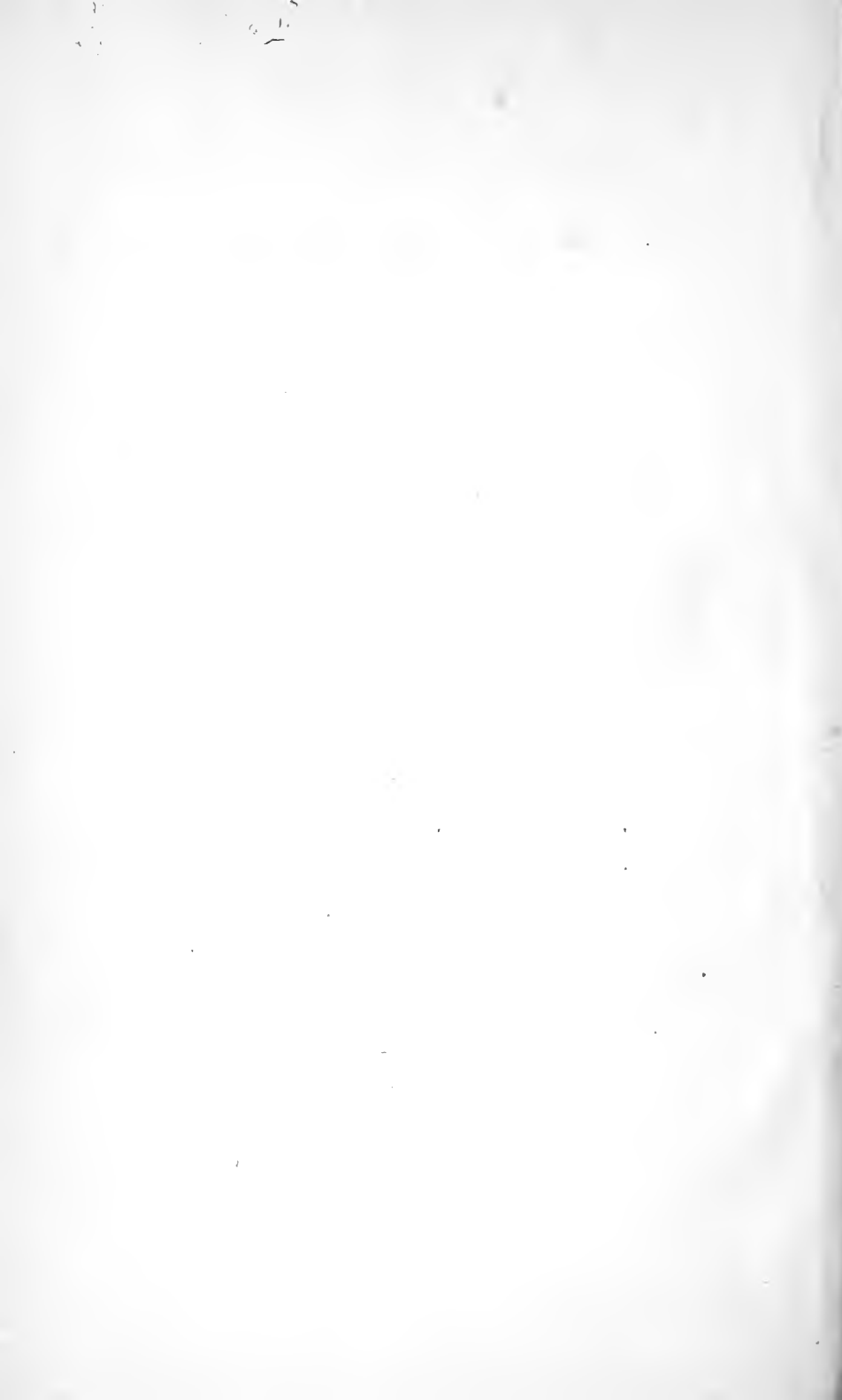



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of Amos Spence



THE AMERICAN UNION.

LONDON: PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET.

THE
AMERICAN UNION;

ITS EFFECT

ON NATIONAL CHARACTER AND POLICY,

WITH AN INQUIRY INTO

Secession as a Constitutional Right,

AND THE

CAUSES OF THE DISRUPTION.

BY

JAMES SPENCE.



LONDON:

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1861.

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PREFACE.

LEST the neutral title of the following work should beguile any reader to assume that neutrality of opinion will pervade it, I warn him at once, on the threshold, that he will soon encounter a current of reasoning strongly adverse to the present doctrines and action of the Northern party. I have endeavoured to collect equally, and balance fairly, the evidence and argument on both sides. Having then formed a clear and strong conviction, it may be that its influence has guided the general tenor of the argument with an unintentional bias. If this be so, the reader will not complain that he has been thus forewarned; and may form his own deductions from the evidence placed before him. Complete impartiality of opinion on a subject of this nature, and during the excitement of its progress, is simply an impossibility. Whoever re-

quires it must be contented to wait for thirty years. The pen of impartial history needs for its subject the events of a generation not our own.

There is, however, an essential difference between the plea of an advocate and the convictions expressed by one devoid of all interest in the case. The former may be composed of words expressly elaborated to entangle the judgment; the latter will represent conclusions, sincere, be they ever so erroneous. With the warning already given, it may be permitted to observe, that personal considerations and valued friendships incline me, without exception, to the Northern side. Hence the opinions formed and expressed have not been adopted from choice, and are directly opposed to interest: they are convictions forced upon the mind by the facts and reasoning now submitted to the reader's judgment.

I have carefully avoided the use of figures whenever possible. Those who desire detailed information can always command it in statistical works. Figures certainly impart a glittering appearance to the page; but I have found their effect upon myself, when so introduced, like that

of surveying a landscape through a window framed with a number of partitions interlacing innumerable little panes. Such an arrangement may enhance architectural effect, but the view is generally clearer through a plain sheet of glass.

It may appear an omission that when alluding so often to the interests we have at stake, I should not have ventured to suggest any course for this country to adopt. It cannot, indeed, be supposed that we shall long continue dumb and passive when the most numerous of our industrial classes shall be pining in submissive destitution. The views or passions of any section of a foreign country can hardly be more binding or solemn than the existence of a helpless million at home.

What, then, is to be done? I take the blockade to be an act of arbitrary power, akin to that now building bastiles for those who differ in opinion—unauthorised by any law—opposed directly to the letter and spirit of the Federal compact—contradicting the principles recently professed by the same Government. Still it has been acknowledged. This fact now precludes argument upon its merits; and because it will prove so disastrous to ourselves, I see

in that strong reason to respect it the more. We have maintained the right of blockade when in our favour; it becomes us to uphold it as rigidly when against us. Whichever be the American institutions we are to copy, let us never copy their practice—so frequently illustrated in the following pages—of adopting a principle at one time and reversing it at another, to suit the convenience of the hour.

There is, however, a measure we have a clear right to take. By the invariable policy both of America and of Europe, it is but a question of time and judgment when to acknowledge a *de facto* Government. Had we been permitted to remain disinterested, a wide latitude of time might have been afforded to the people of the North to subjugate their fellow-countrymen. The course they have deliberately adopted, by involving in the strife the existence of large masses of our people, forces the question upon us. What are the elements to be weighed to arrive at a sound judgment on this point?

If we find that the States of the South are exercising a just constitutional right—that the attempt

to subdue them is a hopeless delusion—that persistence in it may bend free institutions beneath the yoke of military despotism, and must inevitably burthen the North with a crushing load of debt—and further, that the restoration of the Union, were it possible, would be of uttermost injury to the true welfare of the people—if these conclusions be arrived at, there need then be no long hesitation in adopting a course thus really beneficial to all parties. It may, indeed, be said, that after that event the war and the blockade might still continue. But this is a war entirely dependent on a series of loans; these loans entirely depend on the chance duration of the present excitement. Whenever the independence of the South is acknowledged by England and France, the bankers of New York will have little desire to take another loan. A war sustained by borrowing at the rate of eighty millions a year, in a community exposed to panics such as that but four years distant, is an enormous superstructure overhanging a basement of glass, and needs no very weighty blow to level it in a moment with the ground.

It may, perhaps, be said that the defects of the American system have been criticised with too

great severity. But on examination the terms employed will appear mild, when compared with those of American authorities quoted ; further, the severity will be found to be limited to the fault, and not to extend to the man. The events impending are too grave for honied words. Our language is plain-spoken ; timidity, subserviency, sycophancy, let them be ever so fashionable, are words foreign to our native tongue. I venture to express a doubt whether any Englishman could investigate the details of the treatment this country has received at the hands of the Union from its birth to the present day, without some little warmth of feeling. Against this I have striven ; and if in vain—if it should be occasionally apparent—then I forestal the reader's reproof by inviting him to go through the same studies, and to learn whether they will not produce on his own mind a similar effect.

Allowing justly for this, what desire has any one here except to see that great country the home of a really great people ? Few feelings are deeper in the human breast than love of kindred. None desire to be quite alone in the world. To assume the existence, on our part, of a covert ill-will

towards America, is to reverse the real impulse. Did we really hate them, we might praise their institutions, flatter the present humour, urge a continuance of the recent course. It is because we desire to see them kinsmen whom we can respect—to hold them not merely as related by descent, but in the warmer relationship of manly affection;—this prompts us to deplore the causes, and to denounce earnestly the evils that sunder us from each other, and are widening the gulf between us year by year.

J. S.

LIVERPOOL,

Nov. 2, 1861.

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THE AMERICAN UNION.

CHAPTER I.

THE POLITICAL INSTITUTIONS OF THE UNION.

No subject attracts so large a share of public attention, at the present day, as the American Union. In France and Germany, as well as in this country, its disruption affects interests of such magnitude, that in each of them it seems rather the shock of a great national calamity than the subdued reaction of some remote event. In this country the interest is twofold, for beyond its effect on commerce, the final result will shape, through all future time, the fortunes of a people who are destined to be the most numerous family of our race. The subject is thus of commanding interest to all thoughtful minds, whether intent on political inquiry, or engaged in mercantile pursuits, whether depressed by the former history of similar events, or but recently elated with the buoyant hopes which the exulting prosperity of the New World encouraged. And there are those who are impressed with the belief, that it may prove impossible for this country to maintain a

policy of inaction for so long a period as civil wars have usually endured. We are, indeed, already parties to the contest, as sharing the suffering it creates. So far the progress of events has still permitted us to look on as spectators; but the time approaches when large masses of our population will be reduced to want, and when, however anxious to maintain neutrality, it will become extremely difficult to continue in an attitude of indifference.

There is also the established policy of modern times, which, discarding the old doctrine of divine right, recognizes established governments as matter of fact, leaving the discussion of their origin or right to those who adopt or dispute them. On this policy we have acted in all the cases which have hitherto occurred in America. To refuse to apply the rule in the present case, would be to make an exception; and this might fairly be construed by the party whom it would affect as a breach of the spirit of neutrality, which should aim at treating all alike. If acted upon, it will plainly be unsafe to rely on the equanimity of the other belligerent. Yet the question may arise at no very distant date, and it will claim our decision. That decision will greatly influence the issue of the contest; and looking to the irretrievable nature of its consequences, it will readily be admitted that public opinion, which must guide so largely the action of government, can hardly be too fully informed upon the merits of the case.

Up to the present time, by far the greater part of the information and argument placed before us, has been supplied by one only of the contending parties. The Federal or legitimate party—for, strange at it seems, this term may now be used in American affairs—have an overwhelming command of the press. They have the ear of Europe, and the advantage of exclusive and constant intercourse with us. And greatly beyond these in its influence to their advantage, is the fact that they speak to those whose principles and sympathy incline greatly in their favour.

But all know that, in political affairs, sentiment and sympathy have the effect of colouring media, through which objects are presented in a light more or less at variance with truth. The more they attract in the direction of one party the more requisite it becomes to hold them at arm's length—to follow the example of one of our judges, who recently replied to an impatient counsel: "It is for the very reason that my opinion inclines to your side, that I must weigh the more carefully what arguments there may be upon the other."

A feeling has been expressed that the present period is not the time for any inquiry into American institutions, and that criticism should be hushed in the presence of such grave events. Unquestionably, that small criticism which employs itself on matters of taste and habits would be sadly out of place at such time; and this may be said, too, of any inquiry conducted in a carping

spirit. It can be no time to recount a man's faults when he lies stretched in dangerous illness; but it may be right, even essential, to inquire what has brought him to that condition—what causes, predisposing to disease, must be eradicated before he can be thoroughly restored, and more especially, how far any course we may take would delay or promote recovery to really sound health.

Another reason for silence has been assigned by those who remind us that we are of the same kith and kin. This, like all sentiment, may be pushed to an undue excess. Relationship is mutual, and its obligations are mutual. We cannot discover where this has been acknowledged by American citizens, save in their eloquence in after-dinner Anglo-Saxon speeches. Words are very well in their way, but facts should agree with them. We have received for many years one certain and unvarying treatment—our manufactures have just been virtually prohibited—the largest branch of our commerce is now paralyzed by a deliberate act—we are addressed in terms, and visited with threats, which bespeak no manner of affection. The relationship appears to bring to one side considerable indignity and scant justice; must it return to the other nothing but tenderness and love? There has perhaps been enough of this fastidious delicacy, and matters grow too serious for more of it. It may possibly have created a willingness to rely upon it, and to abuse it. We take it to be now our plain duty neither to be

dismayed at the present power of America, nor at that which has already threatened us as a prospect of the future,—nor yet to be disturbed by any virulence of the press, with which that country is afflicted,—nor, furthermore, to be restrained by sentiments which, though responded to in phrases, are denied in facts. We have been invited, nay, vehemently urged, to support the Union, or to sympathize with those who are struggling to restore it. Under these circumstances shall we take its merits upon trust, and continue to believe in them on hearsay; or may we not attempt to form an opinion of our own, whether or not it be for the real welfare of any portion of the United States that the Union should be restored?

We cannot, indeed, dispute the eloquence of the terms in which its advantages have been portrayed. The marvellous progress of the United States seems to confirm these glowing descriptions. We have heard, too, indignant denunciations of rebels and traitors, and our own loyalty has predisposed us to join in the censure, though in the milder spirit of the looker-on. We have heard of the Free, as opposed to the Slave States, and our repugnance to slavery has impelled us towards the voice that was said to be the voice of freedom. We hear the praises of the Constitution, sounding and resounding so loudly, that we fall into a kind of deferential acquiescence, and yield ourselves to be swept along by so irresistible a torrent of applause.

And yet, after all, it may be that the maintenance of a Constitution, which was framed by slave-owners, will afford slender hope of advantage to the slave ; and, indeed, it seems possible that the chances of his escape might be better in breaking the walls of his prison, than in rebuilding them. It may prove that the Southern rebels and pirates may be simply following, and for similar reasons, the example of those who have been extolled for the very conduct so reprobated, in others, now. Indeed, we may possibly find that the prosperity of the United States, so dazzling to the eye—their rapid progress and sudden wealth—may arise from causes widely apart from the merits of the Union, which may have been silently working out effects in the highest degree prejudicial, whilst the vigorous energy of the race, and the glare of apparent success, may have confused our judgment, and diverted attention from the real facts.

In endeavouring to form an opinion of the real value of the Union, one of the first questions that arises in the mind is whether this form of government—that of a Federal Republic—be really permanent in its nature. Were the Union in its former condition, there would be little interest in this inquiry ; but now when severed, and when so costly an effort is being made to restore it, we naturally ask whether durability may be expected in the future. All experience seems to teach that this form of government can never permanently

endure, except on a very small scale, and under rare and peculiar circumstances. There have been already two Federal Republics in the United States, or, rather, the Union has existed under two Constitutions—that bearing the title of “Articles of Confederation,” under which the revolutionary war was terminated, and that which followed it, and now exists. The history of Greece affords an example of two Federations, strikingly similar in their principles to the two Constitutions of the Union.

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 Under the Amphyctionic Council the States of Greece were united in a league, precisely similar to that of the American States under the old Congress. The Grecian republics also retained their individual sovereignty—had equal votes—and the Council was invested with power to declare war and make peace—to decide controversies between the States—to admit new ones into the league, and to promote its general welfare—in short, with all the chief attributes of the Congress in the first Confederation. This was followed in another portion of Greece by the Achæan league, the type of the present Federal Republic. Its members retained their local power and jurisdiction under a Senate, or Federal government, to which was allotted the rights of war and peace, the duty of receiving and sending ambassadors, of making treaties, and of appointing a prætor or president, who administered the federal affairs under the advice of the Senate. The same laws, customs,

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measures, and coin were ordained; strangers were admitted to citizenship on equal terms; and the effective nature of the Union may be seen in the fact, that when Sparta joined it she had to alter the laws of Lycurgus for the purpose. In spite of all this, both these Federations failed to endure; and it may be held that they proved of fatal injury to Greece, by sustaining the small States in a separate yet ineffective existence; whilst but for this they might have been incorporated with the larger, and so have prevented the civil wars that proved so fatal to the country.

If it be held that the mercurial character of the Greek rendered his government unstable, we have another instance in modern times amongst a people, of all in Europe, the least open to that charge. The united provinces of Holland formed a Federal Republic, under a president, bearing the title of Stadtholder. The confederation had an assembly or congress for general affairs, each province or State having its own legislature for provincial purposes, and enjoying a theoretical sovereignty. The history of this Republic presents on some points a striking analogy to that of the United States. The Dutch not only made a similar commercial progress, but displayed an energy, both in commerce and war, without any parallel in modern history, if the small dimensions of the country, and its many disadvantages, be considered. The same features are found in all these cases—great activity in the people, constant intestine commo-

tions, and the eventual extinction of the system of government.

But there are instances much nearer at hand. Mexico, Central America, Columbia, and the Argentine Republic all copied the example of the United States. It has been argued that the system has failed in these cases, not from demerit in itself, but from the faults of race. But if any government succeed with one race, and fail with all others, it would appear that the whole merit of the success must lie in the race, and not with the system. Certainly, in every other instance on record, federal republicanism, when the component States have had the dimensions of powers, and not of provinces, has proved a signal failure. If its merits are to be tested by experience, it would appear that results have invariably disproved it, not only in remote times, but in the present age, in the immediate neighbourhood of the Union, and under the most favourable auspices. In the case of Mexico, it is capable of very clear demonstration, that the political ruin of that unhappy country has mainly resulted from evils arising in a Federal system, copied from that of the United States. In their war of independence, the Mexicans proved themselves to be men equal to the Brazilians; and yet now that time has developed the effects of political institutions, how inferior is their condition! On one side of the Andes the Federal system exists in the Argentine Republic, a scene of incessant strife, oscillating

between anarchy and despotism, with intermittent fits of civil war; whilst on the other side of that range, there is a Republic—that of Chili—free from the Federal principle; a people of the same race, much less favourably situated, yet steadily prosperous to the present day. Thus the general experience of the New World, as well as of the Old, teaches us that the peace and welfare of any people, under a Federal system or Union, would seem to be only a temporary exception to an invariable rule.

We say temporary, for the present disruption of the American Union is clearly another proof of the rule. It has long been predicted on theoretical grounds. Whenever a Federal Republic is formed of States large enough to exist as independent powers, or which, as in this case, have already existed as independent communities, two opposite forces come at once into action. There is the original attraction, or the compression, that brought them, and holds them together, and there is a disruptive force in the jealousy, ambition, and conflicting interests that come into existence. So long as the former exceed the latter they continue united, but whenever the disruptive power overcomes that of cohesion, they fall asunder, unless restrained by force; and to apply force is to abandon the principle of the system. It will be seen that time tells upon these influences with a two-fold effect. The States originally unite because they are weak, because their population is small,

and they have a sense of insecurity in standing alone in the world. Time removes all this, whilst, on the other hand, it strengthens all the influences that tend to disruption ; for with the growth of riches come the means of political corruption,—with the accumulation of masses of indigent population arise the elements of discontent,—with the development of special branches of industry conflicting interests come into play,—with the increase of grandeur there will grow too the spirit of ambition. There is but one thing that can counteract all this. When the original union of States has, in the progress of its development, become homogeneous, so that time has obliterated the first lines of distinction, and the whole has fused into a united people,—in that case the Federal principle has disappeared, and given place to a consolidated State. In the United States, although this has occurred in some respects, in others, and those of far the greatest force, time has wrought the opposite effect. The original elements continue, and permit the action of the laws under which time and growth, are fatal to this form of government. In truth, no Federal Union has ever been formed, on a large scale, of States which had approached a mature condition ; it has always been the resource of communities still young and feeble. It arises, indeed, out of their youth ; but in time they cease to be young, they become mature and powerful, and when this point is reached, it becomes as natural for those which may now differ from the rest to

desire independence and free action, as for grown men to desire a termination of the conditions which were necessary and fitting in their early days.

All the writers who have commented on the subject appear to have entertained these opinions. To Lord Macaulay's letter no one has attempted a reply, for it was unanswerable. Confining himself to one element, he pointed out, with a force carrying irresistible conviction, how that single element of dense urban population would eventually overthrow the Union. The framers of the Constitution entertained misgivings upon the subject. Curtis, in his *History of the Constitution*, observes: "Many of the wisest of the statesmen of that period, as we now know, entertained doubts whether the country embraced by the thirteen original States would not be too large for the successful operation of a republican government." Washington expressed his fears more than once. It was a serious question in his mind whether that extent—insignificant as it was when compared with the present dominion—was not too large to abide permanently under one rule. He foresaw the effects of time, but wisely avoided unsettling discussions on the subject. In one of his letters he observes: "Let experience solve the question; to listen to speculation in such a case were criminal." Jefferson wrote thus forty years ago: "I have been amongst the most sanguine in believing that our Union would be of long duration.

I now doubt it much, and see the event at no great distance. My only comfort and confidence is, that I shall not live to see it." De Tocqueville, in many passages, expresses his opinion that the Union could not endure: indeed, he says: "The history of the world affords no instance of a great nation retaining the form of republican government for a long series of years."

Writers of the present day, whenever they consider the subject, express their doubts of the durability of the Union. Grattan observes: "The day must no doubt come when clashing objects will break the ties of a common interest which now preserve the Union. The districts of South, North, and West are joined like some wall of incongruous material, with a cement insufficient to secure perpetual cohesion. They will inevitably crumble into confusion, though no man may foretell the period of dissolution." Even the period has been predicted with remarkable accuracy. A Russian writer, Ivan Golovin, made the remark, six years ago: "A visit to the United States has the strange property of cooling democrats. Again I tell you that the manifest destiny of the States is disunion. I do not give the Union eight years to last." Sterling, in his able letters from the Slave States, writes thus: "It appears to me that amid so many elements of uncertainty in the future, both from the excited state of men's minds in the States themselves, and the complication of surrounding circumstances, no wise man would

In 1856, Theodore Parker predicted that in a
 next Presidential election civil war would follow
 enacted upon that belief - see several of
 his letters

venture to foretell the probable issue of American affairs during the next four years." This was written in 1857, and just within the four years the disruption has occurred.

Indeed, let any one take the map of America, and consider that the valley of the Mississippi, alone, is capable of containing and supporting a population equal to that of the whole of Europe, and let him ask himself if it be in the nature of things that a continent, embracing so wide a range of latitude and climate, should permanently remain under a single rule. From the earliest ages the other continents have been the abode, each of them, of many distinct communities; and whenever the attempt has been made to aggregate many of these under one government, it has, though successful for the time, invariably ended in division. There are clearly principles, inherent in our nature, which throughout all periods of history, and in all quarters of the world, have worked out this same result. If the American be one of ourselves, the same law will apply to him, the same influences will affect him. They may not come into action for a time, during a period of rapid growth, when men's minds are absorbed in their own pursuits,—the backwoodsman in clearing the forest, or the farmer in ploughing up the prairie,—but all this has an end. The question is simply one of time, unless we assume that American nature is different from what human nature has elsewhere proved to be. In this view of the

subject, when estimating the value of the Union, we cannot but regard it as a political condition, essentially temporary in its nature : and this costly and terrible effort to preserve it, if successful, can have no other result than to defer for a time that which, sooner or later, is inevitable.

The object of the present inquiry is to form a judgment of the real value of the Union, not as an abstract question, but in connection with the existing struggle for its maintenance. We propose, in the first place, to consider what its effects have been politically and socially,—what are the actual results of its institutions, and what influence they have exercised on the character of the people in public life. After this examination, it will naturally follow to consider the causes that have led to its disruption at the present time. Assuming that these causes have proved sufficient, in the judgment of the people of the South, to create on their part a strong desire for self-government, the question will arise, whether they have really a constitutional right to secede from the Union. After examining that subject, to whatever conclusion we may come, as the right of revolution is admitted, we may proceed to inquire whether the Southern States possess those resources, and that military power, without which any attempt at either secession or revolution might prove abortive. This subject being investigated, we may pass to a consideration of our own interest, first weighing whether or not we are bound by any

obligations ; and we may then take a general view of the probable results of the contest, both in the event of the restoration of the Union, or in that of its separation into two powers.

We believe that no cause really exists that prevents the people of this country from forming an impartial decision on American affairs. The majority of the people of that country are cousins of ours, only thrice removed. No Englishman ever thinks or speaks of an American as a foreigner ; nor is it without a feeling of surprise, and of some degree of pain, that on landing on their shores he hears himself called a "foreigner." They may not attach precisely the same significance to the word, but still the sound of it grates upon his ear. We have no other than an earnest desire that this convulsion may eventually result, as we believe it will, in the true welfare of the whole people. Their prosperity is part of ours, for we have buried the commercial jealousy of by-gone days with other errors of the past. Happily, we have learned to look for good to ourselves in all that promotes the good of the great family of mankind. As they grow in numbers we shall expect a more extended commerce ; and as poverty was never yet a good customer, we may look for some advantage in all that adds to their wealth. Nor does there exist any political contingency to awaken distrust or alarm. If Canada were to express clearly and calmly, through the voice of a majority of her people, a desire to leave us and to

join the Union, though we might question her taste, and greatly doubt her judgment, we should have nothing else to deplore. We should institute no blockade, nor embark in any war, to retain her against her will; we should be more inclined to say farewell, and bid her God speed. We have no such mean opinion of the dignity of our household as to constrain those to remain in it who like it not. In the direction of rivalry on the ocean, no political apprehensions can arise in the case of a power whose policy it has always been to avoid the cost of maintaining any serious naval force. Commercial rivalry cannot be greatly feared by those who have striven for many years to invite competition by every effort of legislation. In all these things there is nothing to preclude a strong, earnest desire to see the Americans a prosperous and a great people,—to see them not only enforcing the respect of Europe, but also, and still more, to see them in possession of its admiration and esteem.

What, then, have really been the effects of the Union and the Constitution of the United States on the welfare and character of the people? Have they really worked for good, or for evil? We know something of the period of Washington. Are the people now the same; have they advanced in common with the social and political advancement of other nations; or have they retrograded as a people during the eighty years that have elapsed?

It seems an invariable rule with those who come

forward in support of the Union, to avoid these grave questions, and to confine their attention to mere increase of numbers and trade. This progress they attribute largely to the beneficial influence of the Constitution. Pictures are drawn of the deplorable state of the country immediately before it came into operation, and of the great prosperity that has ensued. But, in truth, it was not in the power of laws to avert the debility and suffering that resulted from a war of seven years' duration,—a war undertaken by communities possessed of little wealth and no credit, and followed by oppressive debts and exhausted resources. No system of government could have prevented a period of dreary reaction from the excitement of the war, or a sorrowful reckoning of its cost. And after this term had passed away, we can imagine no Government so bad, within the limits of reason, that it could have prevented rapid progress in a country enjoying such abundant elements of growth.

We may assume that the government of the colonies by Great Britain must have been bad, to excite them to rebel, although, indeed, we see rebellion now, as a result of what we are told are excellent institutions. But believing, as we may fairly do, that it was defective, both in temper and wisdom, still it never prevented the rapid growth of the colonies. This, indeed, is obvious, from the shortness of the period within which they had acquired sufficient numbers and strength to over-

throw it. Whatever may have been the alleged oppression, more than one State can be found that grew more rapidly in those days than at any time since in the Union. We shall see that there are those which, even at the present day, look back mournfully to the prosperity of the olden time.

If, indeed, it had been the "magic" influence of the Constitution that restored prosperity to the country, we should expect to find that the same influence would have power to avert periods of similar depression. This has not been the case. A term of equal suffering followed the war with this country in 1814, though the Constitution was then in full operation, and since, there have been periods of panic, of general bank suspensions, and wide-spread insolvency, with long terms of gloomy depression, such as the era extending from 1837 to 1842, periods equal in distress to that which ushered in the Constitution.

There were, indeed, special circumstances that rendered it of great service at the time of its coming into operation. It averted the danger of civil war, which was then impending; it enabled a settlement to be effected of the war debt; it obtained the respect of foreign powers; and as the old Confederation had virtually died out, it had the great value of supplying a government where practically none existed. But the services it thus rendered are neither a certain proof of merit in its principles, nor yet of its suitability to the circumstances of the present day. Any reasonable

form of government will be of value, as compared with chaos; and it seems a very exaggerated view of the case to attribute to its excellence the subsequent progress of the country which has been, in the main, the result of obvious natural causes. It required no magic to produce that progress, nor is there anything in it to cause astonishment. The United States are really a vast region of fertile soil, to which the crowded people of Europe—Englishmen, Irishmen, Germans, and others—have passed over. Taking with them the knowledge and experience earned in Europe by the toil of ages, they entered, so to speak, into a magnificent domain, free of rent, of tithe, of encumbrance, and with implements ready to their hands. That population should grow rapidly, and wealth increase, under such circumstances, is as natural and inevitable as that water which has gained an entrance into a valley should flow on, and spread out into a wide expanse.

And, indeed, if we are to form an estimate of the true value of the Union and its institutions, no standard would be more deceptive than that of superficial prosperity. We must seek for their effects in the intellectual and social, not in the commercial growth of a people. Tables of imports and exports are a very uncertain test of the merits of governments. Venice flourished in golden magnificence under a detestable political system. India was in political subjection to a foreign race, despotic and alien in religion and polity, during

the only period of her history that is clothed with external splendour. When Greece fell under the Roman yoke, her material prosperity increased, a new market was opened to her commerce, a new dominion to her literature and art. In every material sense the change was to her advantage; but the mind of Greece, that once had been the peerless light of the world, waned into that obscurity from which it has never since emerged. We have, indeed, in our own time, ample proof how entirely the movements and progress of trade may be apart from the excellence of institutions. We have seen them, in France, continuously progressive under extreme changes of government; and at the present day, if advance in wealth, in exports, in luxury, in all that glitters before the eye, should be adopted as a proof of the soundness of institutions, we should be forced to submit to the opinions of those, who take an enlightened despotism as their model. But though we find that trade has often flourished under ignoble governments, we shall search in vain through the page of history to find that they are capable of maintaining health and purity in the social and political character of a people.

As we proceed, we shall frequently find it impracticable to separate the Union from the Constitution. The latter is the sole bond of union, and whatever terminates the one, ends the other. It will, however, be very necessary to recollect—and it is frequently forgotten—that the present is

the second Constitution of the United States. The Union existed long before its date; indeed its germs may be traced back as far as 1754. Immediately upon the commencement of the Revolution in 1774, a Union was formed, under a government bearing the title of Congress; but although independence was declared on the 4th July, 1776, and there were terms of agreement under which the Union subsisted, no permanent and methodical Constitution was framed, until the 1st March, 1781, when the "Articles of Confederation" came into force.

Story
depends upon
difference
Those "Articles" form a complete and very elaborate Constitution. We know that exception will be taken to their being termed a Constitution, because they are not called by that name. But what a thing is, according to European logic, depends on the thing itself, and not upon the name given to it. Whether that name be a code, or a charter, or a set of articles, or whether indeed, as in our own case, there be no written instrument to which a title can be attached, this makes no real difference. That is a Constitution, the terms of which are the framework of the government and political institutions of a country. In these "Articles" defects were discovered after the termination of the war, not indeed so much inherent in the instrument, as in the surrounding circumstances; and, after surmounting great difficulties, the second Constitution was framed, which is now the law of the land.

The present Constitution, although extremely complex, is probably inferior to none ever framed, in the ability displayed in dealing with difficult and incongruous elements. Had those who are struggling to maintain it really acted in its spirit, no convulsion would now have occurred. The evils of the country arise from the fact, that the Constitution has not really been maintained. We shall find, as we proceed, that some of its most important provisions are reduced to a dead letter, and that the principal causes of secession could never have existed had the spirit of the Constitution been adhered to. Its marked characteristic is moderation. The prominent characteristic of the people at the present day is excess. So far from being democratic, all the leading features of democracy are absent from it; there is no universal suffrage, nor household, nor uniform, nor even proportionate suffrage in it. It was framed by men who were not impelled by the thirst of popular applause, and the spirit that actuated them may be judged of by their own words.

Hamilton, the master-spirit of its framers, observed in the convention employed in forming it: "To the proper adjustment of checks, the British owe the excellence of their Constitution. Their House of Lords is a most noble institution. Having nothing to hope for by a change, and a sufficient interest by means of their property in being faithful to the national interest, they form a permanent barrier against every pernicious inno-

vation, whether attempted on the part of the Crown or of the Commons." Upon another occasion Adams, the second President, observed : "Purge the British Constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect Constitution ever devised by the wit of men." To which Hamilton replied : "As it stands at present, with all its supposed defects, it is the most perfect form of government that ever existed." Perhaps those who urge us to copy American institutions would do well to weigh these words, expressed by two of the most eminent of the fathers of that Republic.

We agree with those who, apart from incurable defects inherent in the circumstances, admire the general excellence of the Constitution ; and we consider it unquestionable that it rendered important service to the country at the period of its adoption. Our view is, that circumstances are so widely altered, that it suits them no longer, even if fairly interpreted. We believe, also, that the Union has greatly accelerated the rate of national progress. But it does not follow, by any means, that this has been a real advantage. There are none who have not observed that there is such a thing as growing too fast. In the words of Channing, "Noble growths are slow." The growth of the poplar is rapid, when compared with the growth of the oak ; but we know that its value is proportionately small. There is always a ratio

between growth and durability, and a law exists that whatever grows with great rapidity will as rapidly decay. There is also a natural rate of growth, and one that may be stimulated ; and all experience teaches that the natural rate will prove the better in the end.

We shall be the more inclined to doubt whether excessive rapidity of material growth be any lasting advantage, if we find it accompanied by a continuous decline in the character and ability of public men, and in the general standard of political morals. It was observed by De Tocqueville, twenty-five years ago, "It is a well-authenticated fact that at the present day the most talented men in the United States are very rarely placed at the head of affairs. The race of American statesmen has evidently dwindled most remarkably in the course of the last fifty years." And if this observation could be made by an acute observer, at a period when Webster, Clay, and Calhoun were still upon the stage, it would appear as if there were some impoverishing and exhaustive principle at work, when, at the present day, we search in vain for one single name that may be termed that of a statesman. Politicians cover the land, statesmen seem to have become extinct. At the commencement of its history, no country produced a larger proportion of men, of the highest order of ability ; indeed, it would be difficult to find elsewhere the record of so large a number in an equal population. The fact was commented upon by

Chatham and Burke, in terms expressing admiration and surprise. The names of Washington, Franklin, Hamilton, Madison, Marshall, and Jefferson are universally classed amongst the names of men of eminent ability. They have been succeeded in our day by the names of Filmer, Van Buren, Tyler, Polk, and Pierce. The contrast is too obvious to need any comment; and when we inquire into its causes we shall find, accompanying this decline in the talent of public men, a similar decline in the standard of political morals.

In a conversation that occurred shortly after the Constitution was framed, Washington expressed the hope that they had succeeded in forming a "respectable" government. To apply the term respectable to the government, would be regarded by an American of the present day as an indignity. In the mind of Washington the standard of excellence was worth—something that men should respect. His own greatness, indeed, was moral grandeur. It was not in martial genius, nor the sparkle of brilliant deeds, but in self-denying endurance of toilworn years—in struggling with unexhausted patience, under extinguished hope—against cold, and poverty, and meanness—against jealousy and rancour—in seeking no fame, and desiring no reward—but adopting, like one of our own time, and contented to adopt, that most rare of military watchwords—duty.

Unhappily, as it seems to us, the standard of the public mind is widely altered. The vast dimensions of the Union, and its incessant growth, have filled the national mind with conceptions of size, of amplitude, with the desire to excite astonishment rather than to command respect. Magnitude has become the standard, in place of worth. We shall be able to trace the effects of this alteration in the standard of excellence, and we shall find it extending its baneful influence over many features of the national character.

And first, what has caused this remarkable decline in the ability at the head of the State? There is no reason to believe that there exists, at the present day, less intellectual power than at a former period. All evidence tends to produce an impression quite the reverse of this. Why, then, does it remain latent, inactive, politically lost to the community as fully as though it had ceased to exist?

Originally, when the Constitution came into action, the population of the United States amounted but to three millions, and they occupied only that portion of the Union now known as the Atlantic border. Within these moderate dimensions it was not difficult to discern superiority of talent, or to select men of eminent acquirements. It was considered by all to be a primary object to obtain for the State the advantage of the highest attainable ability; and the men chosen as the earliest Presidents were the ablest men of the

time. But the Union has outgrown all this. It stretches now from the Atlantic to the Pacific—from Maine to Mexico. Spread over so vast a surface, it has become physically impossible for its citizens, dwelling thousands of miles apart, to attempt the selection of the President on the ground of merit. It may, indeed, be said that the renown of the orator will extend far and wide, without much heeding the obstacle of space. But this may not apply to that of the statesman, of whom the very ablest may be without any gift of words. Jefferson observes, in his *Memoirs*: “I served with Washington in the legislature of Virginia, before the revolution, and during it, with Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point, which was to decide the question.” And Jefferson’s pretensions to oratory were no greater. Upon this point we find at once a remarkable change in the national character, for in modern times a senator has been known to speak for three whole days. The most valuable of all the gifts of the statesman is assuredly judgment, or that which, when combined with knowledge, may be termed wisdom: it was the characteristic of the men of Washington’s age. It is clearly one that may exist with very little noise.

That ability should no longer form the ground of selection for the presidential office appears injurious enough; but the evil extends much beyond

this. Under the system that now prevails ability is a certain ban of exclusion. It proved so in the case of Webster, of Clay, of Calhoun, and, in the last election, of Seward. The fact is so difficult to realize, that it becomes necessary to consider how these elections are really conducted in America. The theory of the Constitution is, that the President shall be elected by the people : and in order to avoid the difficulties arising from wide dispersion, it provides that they shall first appoint a college of electors, to whom ample time is afforded for deliberate choice. This is the theory : in practice, the whole power has passed from the people into the hands of a knot of professional politicians, and the electoral college has become a useless form. The electors are now denied the power of choice, and are reduced to the reality of mere instruments for recording the votes they were, from the first, appointed to give. The election originates with a committee of the party, thus described by Clarigny in the '*Revue des Deux Mondes* : ' " These committees are filled with briefless lawyers, with doctors without patients, with schemers, place-hunters, who devote themselves to the triumph of the party in order to be elected to some little salaried place. All the chances are for the intriguers, if success be obtained. And it is these committees which name the delegates for the Convention, which has to choose the party candidate ; the immense majority of the citizens have no other alternative than to

accept these nominations as they stand, or renounce the exercise of their vote." The members of the Convention thus elected meet at some central point to decide upon a candidate. They come from sections of the country, hundreds of miles apart, widely different in their interests, part of them from Free, and part from Slave States. The only connecting link is a common desire for the success of the party; on all other points there is strong diversity of sentiment. This inevitably leads to great difficulty in agreeing upon the candidate. The most eminent man of the party is first proposed—a Clay, or a Webster; but it immediately appears that in the course of a vigorous career he has done something, made some declaration, or adopted some principle, which has given unpardonable offence to one or more sections of the party. Unless these be conciliated there must be a division, and success will be hopeless. Ballot succeeds to ballot, in long succession. The same capital defect of eminence, which excluded the leader of the party, eliminates others of less celebrity. At length a compromise is assented to; some one is proposed for party's sake—a nonentity, a Polk, or a Pierce, of whom no one happens to know any harm. He is chosen, not as a person fit for the office, but as the best for the purposes of the party. And here another rule comes into force with disastrous effect. If, as with us, the nominee who commanded the largest number of votes carried the day, then the most eminent

would be selected, in spite of sectional jealousy and opposition. But the rule in the United States is to require, not a relative, but an absolute majority of the whole number of votes. This enables the promoters of several insignificant candidates to render it impossible for any other to obtain the majority required. The injurious effect of this rule is manifest, and often deplored in America. In this country such an evil would be eradicated at once, immediately on its effects being discovered; but in the United States there is a written Constitution, the spirit of which, as we have just seen in the case of the electoral college, is widely departed from, whilst the letter and form remain, to work out, in this and many other instances, the most serious injury to the community. In the present case the electoral college has become a useless form, but not a harmless one. The moment the electors are appointed the future President is known; all the influences of his election come at once into action. But the form, the letter of the Constitution remains in force—he is not yet elected legally. The power to control those influences will not come into being for more than three months; and probably the secession movement would not have succeeded, and the disruption of the Union might not now have occurred, but for this departure from the spirit of an instrument, whilst the letter of it continues to be the law of the land.

And whence arises such a political system as

this—one so opposed to reason, as that which renders eminence an insuperable barrier to office—which denies the faculty of choice to the elector, and reduces the nominal power of the people to the real privilege of putting into a box a ticket, having upon it the name of a person of whom the great majority never heard before? It arises in chief from the excessive magnitude, and conflicting interests, of the Union,—from the dispersion of the people over a space so vast that necessity enforces a system of this kind. Were an attempt made to exercise any really popular choice, it would end in inextricable confusion. It has been observed that we also act through party organization; but there is a wide difference. We use party at elections as a means of returning the candidate selected; but here the candidate is selected as a means of success to the party. Not only is his fitness for the office discarded from consideration, but, practically, none pretend to consider the welfare of the country as a whole; the attention and efforts of all are concentrated on a single object, the success of the party ticket.

Under such a system, we can no longer wonder at the contrast which the recent Presidents offer to those of former days. And the qualifications required for the office are not light. Justice Story thus describes them: “ The nature of the duties to be performed by the President are so various and complicated as not only to require great talents

and great wisdom to perform them, but also long experience in office. They embrace all the arrangements of peace and war, of diplomacy and negotiation, of finance, of naval and military operations, and of the execution of the laws, through almost infinite ramifications of details, and in places at vast distances from each other." If this be true, and it clearly is so, how is it possible that the government can be properly conducted, under a system which so utterly excludes these qualifications? It has been remarked, that the best form of government is that which places the best men in office. Without going quite so far as this, there can be little doubt that the system is a vicious one, under which the best men are excluded from office. Olmsted observes: "Unquestionably there are great evils arising from the lack of talent applied to our government, from the lack of real dignity of character, and respectability of attainments, in many of the government offices. We cannot afford to employ a heavy proportion of talent or honesty, about the little share of our business which is done at the capital." If this explanation of the cause of such admitted evils were correct, nothing could be more unsatisfactory; but in reality, there is abundance both of talent and honesty to spare for the purposes of government. They are not absent from their deficiency, but because the existing institutions exclude them.

We have seen what are the qualifications re-

quired in the President: his powers are not less extensive. In many important particulars, they exceed those exercised by the Crown in this country. He not only has the right to veto the acts of the Legislature, but not unfrequently uses it. He can maintain his government in office for four years, and this has been done for long periods, in opposition to a majority in either or both Houses. In regard to patronage, he exercises a power which no European monarch has ever aspired to. On the accession of the President of another party, he at once claims the whole of the government offices as spoils of victory, and proceeds to dismiss and replace, not only the former Ministry, but all the subordinates, the ministers to foreign courts, the consuls, the custom-house officers, the village post-masters. All these are regarded, not as servants of the commonwealth, but as the minions of a vanquished foe. The same principle holds as in his own election—it is not the country that is to be thought of, but the party. They have calculated on these offices, their exertions have been stimulated by the prospect of them, and they cannot now be disappointed. This practice of necessity creates two entire sets of officials—a set in place, and another set displaced. Numbers of those ejected, and thus deprived of a livelihood, become professional politicians, and, inflamed by the zeal their position creates, impart that passionate heat to American politics, so frequently commented on by travellers. Fitness for the office, being disre-

garded in the highest station, can hardly give much concern in lower ones; and hence we see persons appointed to offices for which they are manifestly unsuited. In any other country the whole machinery of government would be clogged, and become unmanageable. In America, the natural quickness, and peculiar adaptability to circumstances, which the people possess, enable them to sustain, and apparently without much concern, even such evils as these.

It would, however, be a great error to suppose that their influence, although enduring, will not be widely felt. Where the possession of minor offices—of subsistence indeed—becomes, with large classes, the moving impulse, politics cease to be a question of opinion, and degenerate into a trade. With them, the question will be, not their country's good, but what they want for their own. And this large class of office-holders out of place, with no other occupation than to struggle for return to it, will naturally devote an amount of time to political pursuits, which the well-employed, respectable classes cannot afford, and they will bring into play a special amount of individual eagerness; they will fill the seats of these committees, which exercise the power, nominally in the hands of the people. Men of wealth, of commercial standing, of literary tastes, are outrun by such eager rivals; and we find them, as a rule, not only indifferent to politics, but avoiding them altogether in despair.

And this tendency to convert the pursuit of politics into a profession, is largely strengthened by another cause—the payment of members of the Legislature. This calls into existence a class of persons who openly make legislation their business, and live upon the income it provides. It may indeed be said, theoretically, that we are as much bound to pay men for making laws, as for making shoes. But experience tells us that the two employments require different classes of minds. A wide acquaintance with history, with jurisprudence, with social economy, an insight into the whole range of industrial pursuits,—these attainments need much more time to acquire, than those can allot to them whose time is their bread. As a rule, they can only be acquired, when the possession of property gives the command of sufficient leisure for the purpose. When it is necessary to turn time into money, we cannot expect that much of it will have been turned into legislative knowledge. It is true, indeed, that if in America all men are created equal, they may be equally fitted for all pursuits. Once granted that all men are alike, there can be no fear of putting a wrong one into any place. But when Mr. Jefferson announced that doctrine—which he exemplified by holding a number of them in bondage from their birth—he did not assert that they grew up of equal powers, or alike in knowledge; and very ample experience has proved that laws will be made best by those whom pre-

vious study and habits of thought have trained in kindred pursuits.

And whilst, in the United States, the payment of members has created a class who make law-giving a livelihood, the rate of payment is below the present standard of expenditure. There will therefore be those who have to make up this deficiency. Hence arises the well-known institution of "lobbying." Dr. Mackay, by no means a hostile witness, observes: "No one who knows anything of the internal working of American politics, will deny the fact that such members (alluding to those who live on their pay) are notoriously and avowedly open to the influences of what is called 'lobbying.' And how is it to be expected that a needy and ambitious lawyer, without practice, having nothing but his three or four dollars a day, and upon whose single vote the fortunes of a project, costing millions to carry into effect, may absolutely depend, shall not be open to the influences of those who lobby him? No disquisition on the morality or propriety of such a state of things is necessary."

The lobbies of the legislative halls are filled with a class of men called agents, whose business it is, to work private bills through Congress, or public bills, in which, like the Morrill tariff, private interests are deeply concerned, by means of influence upon members,—or, in plain terms, by some form of corruption. This is no secret matter, for indeed secrecy is little known in

American affairs; the power of the lobby is alluded to in every debate. In referring to the political corruption that exists, there is the following sentence in the Chicago Manifesto—the creed of the Northern party: “The people justly view with alarm, the reckless extravagance which pervades every department of the Federal Government; a return to rigid economy and accountability is indispensable, to arrest the systematic plunder of the public treasury by favoured partizans, whilst the recent startling developments of frauds and corruption at the Federal metropolis, show that an entire change of administration is imperatively demanded.”

We think they show more than this,—they show a state of disease that needs stronger remedy than a change of physicians. They show that the whole system is unsound, which produces such results. The other political party, upon whom the blame is cast, make no attempt to dispute the facts. They admit them, but trace their source to the protective system, which brings into the public treasury, a larger amount of money than the Government can expend, in any pure manner. Thus we have both the great parties in entire accordance, as to the fact of the existing political corruption. Who will dispute such competent authorities? And if forced to admit such facts as these, they must exercise no light weight, when we are employed in forming a judgment of these institutions. Had our own Government fallen

into such a condition, we should assuredly be more inclined to embark in a struggle to end, than to maintain it.

We observed that the Constitution is by no means democratic. At the period when it was framed, the rule throughout the States was a property qualification. Although differing in the nature and amount, of the qualification, there was no State without one—practically effective—and there was no thought of abandoning the rule. The framers of the Constitution, so far from desiring to lower, or to level this, decided to leave unchanged the diversity which existed. It was held, by the ablest of them, that variety in the suffrage would provide the best representation, and afford the surest prospect of that system of check, and moderating influence, by one interest of another, which, we have seen, they regarded as a supreme excellence in the British Constitution. Here, again, we shall find that the spirit of the founders of the Republic, has been widely departed from, and departed from in this, as in every other instance, with disastrous effect to the country.

Jefferson took no part in framing the Constitution. He expressed strong, though guarded, disapproval of it. He was in Paris, studying and imbibing the principles then coming into play, associating with the members of the future Jacobin club, cultivating the acquaintance of Thomas Paine, and filling his mind with theories, many of them springing from just emotions, but fatal in their

effects, from their tendency to excess, and from ignoring human nature. There he studied them, when the temple of infidelity was about to open its portals—in the purlieus of brooding socialism, in the coming shadow of the guillotine. And to these theories he clung, with strange infatuation, long after he had witnessed their result, in sweeping Christianity, liberty, and life, into one hideous ruin. Of the character of his views we may judge by his own words. Alluding to Shay's rebellion, he writes: "God forbid we should ever be twenty years without such a rebellion. The people cannot be all and always well-informed. The part which is wrong will be discontented, in proportion to the importance of the facts they misconceived. If they remain quiet under such misconception, it is a lethargy, the forerunner of death to the public liberty. ^ What signify a few lives lost in a century or two! The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

The early spirit of temperate republicanism, (that of the Fathers of the country) which guided its councils during the terms of Washington and Adams, as Presidents, was followed and subverted by this spirit of extreme democracy, imported from France. Jefferson, and not Washington, has been the guide of the country for the last fifty years. One of the many results of this change which we shall meet with, has been the virtual abandonment of all qualifications, and the adoption

^ "We have had 13 states independent for 11 years. There has been one rebellion. That is to one rebellion in 1 1/2 century for each state. What country ^{before} ever existed 1 1/2 century without a rebellion? And what country can preserve its

of universal suffrage. The effect of this has been greatly aggravated, by the large proportion of foreigners thus placed in the command of political power, without either training or association to fit them for it. To so great an extent, indeed, has this proceeded, that in many districts, and amongst them may be classed the virtual metropolis of the country, New York, the decisive political power is in the hands of those of foreign birth. On this subject of the suffrage, Chancellor Kent, one of the highest of American authorities, remarks, in his Commentaries: "The progress and impulse of popular opinion is rapidly destroying every constitutional check, every conservative element, intended by the sages who framed the earliest American Constitutions, as safeguards against the abuses of popular suffrage."

Thus the unqualified suffrage, which has been regarded by some in this country, as an American institution, is really a foreign abuse, unknown to its Constitution, opposed to the spirit of its greatest patriots, and deplored by the ablest of its jurists. In another passage, bearing on similar subjects, Chancellor Kent observes: "Such a rapid course of destruction of the former constitutional checks, is matter for grave reflection; and to counteract the dangerous tendency of such combined forces as universal suffrage, frequent elections, all offices for short periods, all officers elective, and an unchecked press, and to prevent them from racking and destroying our political machines, the people

*whether if its rules are not warned from time to time
to the people from the spirit of resistance?
let them take arms. The remedy is to let them
know the facts - pardon & pacify them -
what signify &c."*

must have a larger share than usual, of that wisdom which is first pure, then peaceable, gentle, and easy to be entreated." As no one can imagine that these are attributes of American character at the present day, it would seem to follow, that they have really been "racking and destroying" the political machine.

We have seen that under the system in force, ability is excluded from the highest office in the State; there is another cause which very largely excludes it from the legislative chambers. The ministers are not permitted to take part in the proceedings of Congress. To judge of the effects of this, we have only to imagine the result of excluding the whole of the ministry from the House of Commons. The men who, of all others, have access to the sources of information, who are thoroughly conversant with details, and who possess the requisite experience and ability to guide the debates of the assembly—these men are not to come within its walls. And this deprivation of ability is a small evil when compared with others that result. Who can put a question to a minister, who is never there to be questioned? There is a complete absence of that sharp and effective responsibility to the people, through their representatives, which we should hardly like to exchange, for a system of secret management of the House, by parties who can never be seen, face to face. Thus no minister can introduce and explain his own measure; he must do so second-hand.

He cannot be made to avow his own opinions—no responsibility can be fixed upon him. He must work the business of the government, through private arrangements with members of the House, and use patronage to supply the place of ability or knowledge. We have some impatience of the very idea of what is called “back-stairs” influence, and what shall we say to a system, in which the whole business of the government, is conducted on the back-stairs principle, and where, indeed, there can be no other? We should expect to see in the result precisely that political corruption, which all parties in the United States admit to exist there.

And not only is this the system of government which prevails there, but the ministry, thus connected with the representatives of the people, through the influence of office alone, can retain their power, so long as they agree with the President, for the four years of his tenure of office. They can do so against the will of the whole people, and of both Houses of Congress. It is quite true they require money; this must be voted; and this necessity would appear to give an effectual, controlling power. But in practice it has no such result: so great is the secret influence of the Government in the House, that although it has sometimes occurred, that the ministry have been in opposition to a majority of the House, we cannot find that they have ever yet failed to obtain the money votes required.

It would convey a less unsatisfactory impression of the system, if they had failed. As yet this has not occurred, and there is no such thing really known to the American system, as ministerial responsibility to the people. Whilst with us, the people possess through their representatives, an ever-vigilant power over the government, which they can put into operation on any night of debate, and do constantly exercise—there is in America, no more real practical power over the ministry, than there is real choice in the election of President. It would seem as if we, ourselves, were in the use and enjoyment of republican institutions, whilst the people of the United States content themselves with the theory, and profession, and sound of them.

Reviewing the preceding facts, we certainly find much that is at variance, with our most cherished ideas of constitutional government. Either, after five hundred years' experience, we are ignorant of what representative institutions ought to be, or else these stand in need of very radical reform. They explain, what else would be incomprehensible, such a course of legislation as we have witnessed during the present crisis, when, if ever, the calm wisdom of a senate was required. We see the true spirit of the Constitution, lost or perverted,—the nominal power of the people, really in the hands of trading politicians,—the electoral college, whose office is selection, deprived of the function of choice,—the ruler of the State so ap-

pointed, as to bar out experience and talent,—legislation converted into a livelihood, and parliamentary corruption organized into a profession,—two armies of place-holders, one besieging, and the other besieged,—ministerial ability and knowledge excluded from parliamentary discussion, and ministerial responsibility exchanged for government influence. As the result of all this, we find an incessant decline in the ability at the head of the State, and in the character of its legislation; and, in spite of rare material advantages, an amount of embittered discontent which has at length culminated in civil war. We have, however, as yet examined but one part of the subject, the political institutions of the Union. Before we can form a full impression of the value of the Union itself, we must also consider its effect on the character of the people, in their social or public life.

CHAPTER II.

EFFECTS OF THE UNION ON NATIONAL CHARACTER.

THE American, of the middle class, may be said to have two distinct characters. In private life, a most agreeable companion, full of general information, of a pleasant temper, fulfilling all domestic duties in an exemplary manner. The same person in public life, upon American topics, will become at once arrogant, quarrelsome, full of wrong impressions as to much of the real history of his own country, unable to realize the motives that actuate the policy of this country. Even his standard of right and wrong will alter. Perfectly honourable as an individual, he will be prepared as a Unionist, to defend any principle, even that of mere spoliation under the name of manifest destiny, when regarded as part of the policy of the Union. There is evidently some sinister influence, which, leaving him the same as a man, has entirely changed his sentiments as an American.

We are not now alluding to (and entirely exclude from all our observations) that small number of men of letters, ministers of religion, or eminent merchants, who come over to Europe, with whom

friendships are formed, which are based on esteem. Combining European sentiment with an energy peculiarly their own, and possessing views enlarged by a knowledge of the world, these are in every respect exceptions to the mass, and it will be very necessary to escape from impressions, produced by their acquaintance, if we are to form a correct judgment of those, who are the political power in the United States.

Has the Union exercised any influence, that will account for this difference between the man and the citizen? The immediate idea which it awakens in the mind, is that of magnitude. Apart from it, the States, although on the average larger than the secondary kingdoms of Europe, would still excite no wonder. But regarded as a Union,—as a whole,—the mind becomes at once impressed and filled, with a sense of colossal magnitude. Natural features of the country tend to add to the impression—the enormous length of its rivers, the vast dimensions of its lakes, the interminable expanse of the prairie—all surrounding circumstances combine to foster the idea, until at length, as we have observed, magnitude, has been adopted in the popular mind as the summum bonum; mere quantity, becoming the standard of value, in place of excellence or worth.

If this be the case, we should expect to find, as natural developments of this change from the original standard, a general tendency to amplification, to exaggeration, to an ambitious craving for

still more space, and to an arrogance built upon the possession, already, of so much. Few will deny that these are characteristics of the present day, or that they have grown more prominent year by year. If we examine the manner of their growth, we think they may be clearly traced to their source, in the magnitude of the Union.

In the early days of the history of the United States, this principle of exaggeration had no existence. At that time, each man's country was the former colony in which he lived, now transformed into the State, of which he had become a citizen. His views were bounded by an horizon within moderate distance. It never entered into his mind to threaten all the rest of the world. Throughout the documents of that period there runs a vein of calm, good sense—a disposition to deal with facts temperately and truly, as they really existed. The age of declamation had not yet come.

The rapid growth of the Union has distorted all this. The horizon has become illimitable; the moderate standard has stretched into immeasurable space. Views that were adapted to the dimensions of a kingdom, have expanded to those of a continent. As State was added after State, the growth of these views became more rapid and indefinite, until it seemed impossible to assume any dimensions, too large for another year quite to equal in reality. It became a habit, to exaggerate all present things, to keep pace with a future so constantly expanding. A statement that agreed with the facts to-day,

would be behind them to-morrow ; it might be better to make it, at once, large enough to last. Thus, to avoid constant inconvenience, truth came to be made expansive. This spirit of exaggeration, taking at times the form of a very quaint and original humour, is then indeed harmless enough, but largely incorporated, as it has been, into the very essence of the national character, its effects could not fail to be highly prejudicial. We shall find it pervading not only statements and belief, but the whole tone of thought and sentiment.

Exaggeration must needs be a departure from truth. When an exaggerated standard is once adopted, truth must be altered up to it, history must be made to conform with it. A great dominion must have a great people, and a great people must have a great history ; and if there be no such history in real existence, it must be made great. Hildreth, the most able of American historians, thus describes the cause of his unpopularity : " In dealing with our Revolutionary annals, a great difficulty had to be encountered in the mythic, heroic character above, beyond, often wholly apart from, the truth of history, with which, in the popular idea, the fathers and founders of our American Republic have been invested. American literature having been mainly of the rhetorical cast, and the Revolution and the old time of the forefathers, forming standing subjects for periodical eulogies, in which every new orator strives to outvie his predecessors, the true history

of those times, in spite of ample records, illustrated by the labours of many diligent and conscientious inquirers, has yet been almost obliterated by declamations, which confound all discrimination and just appreciation, in one confused glare of patriotic eulogium."

Here, then, we find it the established practice of the country, in the face of ample records of the facts, wilfully to pervert its own history, in order to satisfy this desire for exaggeration. It is not easy to imagine a more deplorable spectacle, than that of a people thus employed in self-deception, receiving their knowledge, and forming their opinions, on the exaggerations of declaimers, each striving, in this manner, to "outvie his predecessors" in departure from truth. Miss Martineau, than whom no more favourable witness could be found, describes one of these fourth of July orations, and its effect on her own mind. The anniversary seems to be a kind of saturnalia, dedicated to the annual worship of the god—Self. Unaccountable it is, indeed, how respectable men can be found, who will descend to this kind of performance; or how a people, so shrewd in other respects, can be assailed with such fulsome flattery, without detecting its real mockery.

And this perversion of history, is by no means confined to the glorifications of each fourth of July. The virus of its influence is inoculated into the system in early youth. The school-books of the boy have been formed on this rule of exag-

geration. Poor old George the Third is painted as a devouring tyrant; the German troops as demons in human form; every petty skirmish is exalted into a battle; every battle into a victory; even defeats so unquestionable as that of Bunker's Hill, are made to wear the colour of a triumph; the part of France is made as small, as ours was described in laying the Atlantic cable; every citizen but Arnold, shines out a pure patriot; every general a hero—the whole is a triumphal procession, and ends in a blaze of glory. Let us contrast with this, a sentence of the real truth, from one of Washington's letters, whose authority none will dispute.

He speaks thus, in a letter to Read: "Such dearth of public spirit, and such want of virtue; such stock-jobbing, and fertility in all the low arts to obtain advantage of one kind or another, in this change of military arrangements, I never saw before, and I pray God's mercy that I may never be witness to again. I tremble at the prospect.

* * * Such a mercenary spirit pervades the whole, that I should not be surprised at any disaster that may happen. Could I have foreseen what I have experienced, and am likely to experience, no consideration on earth should have induced me to accept this command." Those who have studied the history of the Revolutionary war, —of the real facts, and this, not as narrated by ourselves, but by American historians—well know the truth of this picture. And here a question is

forced upon the mind. If this were the staple of much of the patriotism, at the period most certain to call it into existence, what measure of reliance can be safely placed, on much of that, called by the same name at the present day ?

This spirit of exaggeration, thus resulting from the rapid growth of the Union, leads naturally to the boastfulness and national self-esteem which have become so prominent. Long ago, De Tocqueville observed : “ For the last fifty years no pains have been spared, to convince the inhabitants of the United States, that they constitute the only religious, enlightened, and free people. They perceive, that for the present, their own democratic institutions succeed, whilst those of other countries fail ; hence they conceive an overwhelming opinion of their superiority, and they are not very remote from believing themselves, to belong to a distinct race of mankind.” Much of this is certainly the simple result of geographical position. Those who are remote from Europe, cannot be blamed for an imperfect idea of the strength and resources of the great powers. To the citizen of Illinois, who may travel for a thousand miles in many directions, without reaching the limits of the Union, who is conscious of his own strength, and buoyant in his own prosperity, it will be very natural to believe it, when taught that he belongs to the greatest power on earth—victorious by land and sea, heroic and triumphant,—that other countries are but specks upon the map, and in

much the same relative proportion, inferior in all elements of grandeur. Taking his knowledge from the books he has read, from the orations he hears, and his own observation, so far as it extends, why should he trouble himself to disbelieve, what is so agreeable to his mind to accept?

In Europe, where ignorance is abundant enough, it is at any rate mainly passive. But in America, those who have been thus taught and harangued—are the active power in the State; their passions, when aroused, are irresistible; their will, when expressed, is law. We shall find that the government reflects, less the views of the well-informed and experienced, than of this crude, wrongly-informed mass. Hence, we find in its action, a restless ambition, an aggressive, quarrelsome spirit, an entire disregard for the feelings or position of other nations; and this, so continuous and invariable, that the very name of the United States has come to be associated, in the mind of Europe, with demands or complaints, with an expectation of painful discussions, and a fore-knowledge that much will have to be conceded and endured.

It may, perhaps, be said that, after all, exaggeration is but a blemish an infirmity, of no serious importance. This cannot be, when its influence pervades all things, and extends to political belief and to its consequences. Indeed, all know that it will turn almost every virtue into vice—economy into meanness, liberality into extravagance, firm-

ness into obstinacy, self-reliance into arrogance. No influence in private life, is more certain to result in the loss of character or fortune, and the same rule holds, when numbers are congregated into a people. The present calamitous war may be regarded as a result of it. In reality, nothing more really beneficial to the North could have occurred, than the event which might stay the downward course of its institutions—give to it, in reality, the self-government which had passed into other hands, and amputate a limb which threatened mortification to the whole body. But the proper sense of nationality has now become an exaggerated sentiment, akin to that of the French for glory; and this, not only shut out perception of the truth, but disdained to consider any question of constitutional rights—dismissed every thought of prudence, every calculation of probabilities—and swept the people into a fratricidal war, in which victory or defeat must be equally disastrous. And if this pernicious influence be traceable to the Union, to its magnitude and incessant growth, it cannot but be regarded as a most serious consideration, when estimating the real value of that Union to the people.

Another result of the Union on the national character, is the excitability, which has increased to a degree now so remarkable. To the influences of a climate, intense in its extremes, this may be attributed in some degree, but the incessant elections which the Union involves, have greatly con-

tributed to promote it. Even in this slow country, a general election awakens some excitement; but what would this reach amidst incessant elections, elections for both Houses of Parliament, and for two distinct Parliaments, elections of governors, of judges, of municipal and state officers, elections in the State, and in the adjoining States, and each fourth year a general ruler to elect? A system such as this, is calculated to quicken any people into excitability of temperament. It is a characteristic we meet with in Europe, more especially in France, as a peculiarity of individuals. We meet with persons, with whom, on the topics that arouse them, it is as vain to reason as to bay the moon. All know how the stability of French institutions has been affected, by the habit of masses of people acting on impulse.

This excitability, though stimulating to the nerves, as the breathing of oxygen, has a fatal effect on the judgment. It may be called a mental intoxication, exhilarating for the hour, accompanied by the same craving for repetition, and equally paralyzing the powers of reflection. When communities become affected by it, numbers heighten its intensity, and give to it the most dangerous political consequences.

This impulsive excitability, has become a marked characteristic of the politicians of New York. They seem to think that all things should be done right off—that reflection, decision, action, should be instantaneous. Man appears to be viewed as a

kind of high-pressure engine, and valued by the quickness of the stroke. All seem to be in haste, eager for powers of steam, for swiftness of telegraphs. This tempestuous energy, as might be expected, is subject to periods of reaction. There are some who at times grow weary of the exertion, and become morbid; who crave for fresh stimulants, and keep editors, not to increase their knowledge, but to produce "sensation articles," and help them to the next excitement. It seems an incessant ball-room life—wax lights, satin, champagne—varied with headache, and reactions of grimy depression, commonly called panics. There is abundance of glitter in it, and at times a great deal is quickly done. But the fable tells us it was the tortoise that won the race, not the hare; and it may well be doubted, whether this can really be the pathway to happiness. It cannot be disguised that it wears a hollow cheek, and certainly the wisdom that Solomon taught, was not after this wise. Nature, indeed, seems to teach what man's industry should be—action with alternations of repose. But here the book of Nature seems to lie unopened and forgotten. The whole is a life of one-sided existence—the artificial side. There is no crisp hour of the morning, sparkling with dew, when we step with elastic tread, and inhale new strength of body and of mind. There is no lingering twilight, when to forget our toils, and glide under the wing of peace. There is no eddy, for the current of life to stay its swiftness, and renew its

pure lustre, to flow the more brightly onwards. For all this there seems no place; but, in its stead, a restless, spasmodic energy, that quickens indeed some powers of the mind, but dwarfs the rest, and destroys that even balance of the mental powers, which constitutes the faculty of judgment.

We alluded to the political effect of this habit of impulsive action, in the troubled history of France. Unfortunately, perhaps, for the liberties of the country, the Union has now a Paris. Whoever has studied the progress of the momentous events now occurring, will have seen, that the Washington Government simply follows the impulse of the people; indeed, that in obedience to this impulse, it reversed the policy it had first wisely adopted. But the people of the North, in their turn, implicitly follow the lead of New York. Whatever decision be formed there, flies over the land by telegraph, and is adopted before the day be out. Hence, although this spirit of excitability is not common to the whole country, its disastrous effect is extended to all. And the policy of the Union, and the unhealthy growth stimulated by artificial means, have produced an effect that adds seriously to the evil. The metropolis of the country is not really American. Its population is largely composed of foreigners of all nations, and the type of manners and of sentiment, is essentially foreign to the American soil. Miss Martineau holds that it has become marked by the peculiarities of Irish

character ; we should assimilate it rather with the French type.

All know what pure democracy means in France—the despotism of a mob. Unrestrained power, in whatever body it reside, whether in the populace or in individuals, is equally despotic power. It is true, that so long as the people be all agreed, there will be no occasion for its use ; or when they are divided into parties of equal strength, the one cannot use it against the other. But so soon as there exist a minority on any important question, there will be a majority of greater power ; and in the Union this majority never loses the opportunity, to use its power despotically. Hence, freedom of thought and speech, exist in America, only under certain limited conditions—that they approach no question on which the majority has “pronounced.” On this subject, it has been remarked, “if ever liberty be lost in America, it will be owing to the omnipotence of the majority, which will have reduced the minority to despair, and will have forced them to appeal to material force. We shall then see anarchy, but it will come as the consequence of despotism.”

All are familiar with the operation of this rule in the South, in the direction of discussions on Slavery ; and precisely the same holds in the North, as we now see, on this subject of the Union. What more painful proof of this could be given, than in the fact of a man being recently shot dead, in the streets of New York, for simply expressing

opinions, that were common to the whole country a few weeks before—a murder evidently regarded by the public, as an act of vigorous heroism. This despotic rule of the majority, applies to all matters, once affected by this delirium of popular excitement. On religious, on educational, on philosophic questions, there is unbounded licence, because there is no political party to offend. But from the moment that a majority has adopted a principle, and has roused itself into an excitement upon it, from that day, independent judgment ends, except at the risk of being hung from a tree or shot in a street. The author may run riot on any theory of his own, but once let him speak the truth, in however temperate and earnest a manner, yet so that it grate with the views of a majority—and whether his name be Washington Irving, or Cooper, or Hildreth, from that day he is a black sheep with the populace. If the South were now to obtain the upper hand, they would probably extend Slavery all over the Union; the moment the North obtained it, they passed a Morrill tariff. The effect, indeed, of Jefferson's principles, of despotism vested in the populace, has been, to produce an utter disregard in all political affairs, of that great injunction, "Do unto others as ye would they should do unto you." We shall find, as we proceed, that in place of this, the principle of American politics at the present day, is—do what suits self at the moment, without thought of your fellow-citizens, or consideration for other countries. Whenever

and wherever this has come to be the case, the principle of political action is really a selfish despotism, whatever be its name or form.

That, indeed, the true sense of liberty of opinion, has passed away, is but too plainly evidenced in what is now occurring. When a people look on with acquiescence, whilst the writ of Habeas Corpus is treated with contempt, whilst the police forbid petitions to the Government, in violation of an express right of the Constitution—whilst spies and eavesdroppers are taken into pay—women searched — legislators imprisoned — property confiscated—letters broken—telegrams seized — passports ordered—whilst the offices of the press are gutted, and grand juries are urged to draw up presentments of those who differ in opinion—when all this occurs too, not in presence of an invasion, threatening the liberty of the land, but simply in view of an aggressive war to be waged at a distance—there is ample evidence that, whatever may have been the love of liberty in other days, it has become a thing of the past.

During the Crimean war, there was in this country a period of great national anxiety, of sore perplexity, but of one overpowering resolve to maintain the reputation of the country. In the midst of this, there existed a peace party, a minute minority of able and earnest men, strongly opposed to the opinions of the vast majority, when those opinions were heightened by feelings the most intense. Yet, had it been proposed to gag those

writers, to indict them as a nuisance, to send them to some Bastille—even though that Bastille should strangely bear the name of Lafayette—all know that every man would have come forward, not to support the opinions of the hour, or the policy of the Government, or the success of the war, but to the rescue of those great principles—free thought and speech—which we hold as rights, too solemn, to be played with by the humours of the hour. If the leaders of that party were now in the United States, and beheld the fate of those pursuing there a similar course, they would return from the study of these institutions on the spot, as travellers of all countries have ever returned—sadder and wiser men.

In a recent publication in support of the Union, Mr. W. H. Channing writes thus: “But this conscience had been deadened, by the intoxicating influence of worldly prosperity, and boastful pride, with which the sudden expansion of the cotton and sugar interests, had drugged the commercial classes. The slave oligarchy of the South, and the capitalist of the North, the great planters and the great manufacturers, divided as they were on some points of policy, yet brought a concerted power to bear upon public opinion, until the mean law of mercenariness took full possession of political parties. The moral degradation that ensued was awful. * * * The United States were thus presenting to Christendom the spectacle of a nation nobly born, purely bred, rarely privileged, even yet, in

its youth, sinking into decrepitude, and wasting away through political profligacy.”

Here is a startling description of the moral effects of the Union, of the combination of North and South, working out sudden material prosperity, and such moral effects as these, on all the higher attributes of the nation. Let full allowance be made for the warmth of language, and the excitement of feeling, apparent in the terms—let them be reduced to the narrowest facts—still, we cannot believe that men of the highest integrity, bearing a most honoured name, would draw such descriptions, without truth, without reasonable and sufficient foundation for them. Such a condition of affairs, is so difficult to realize in this country, that it becomes necessary to weigh the facts that justify such a picture.

One of the objects of the Union, as stated in the preamble of the Constitution, was to “promote justice.” How it has promoted it, as between the North and South, we shall subsequently examine. At present, let us see its effect on the administration of justice throughout the whole country. This, indeed, is one of the truest tests of any form of government, and probably nothing affects so directly the health of political society, as purity in the administration of justice. It is indeed in the execution of laws, that their excellence practically depends, for they are seldom inherently bad, they never inculcate vice, they become bad from corrupt or ineffective execution; and several of the most

ingenious and well-intended constitutions, are those that have most completely failed.

It was desired by the founders of the Republic, that the judges should occupy a position of dignity and independence. The control of the Federal Government, extends, however, only to the Supreme Court and its branches, the position of which has been maintained to this day, under the terms of the Constitution. The judges of that Court are selected by the President, with the approval of the Senate, virtually for life; their salaries cannot be diminished during tenure of office, and from their decisions there is no appeal. Thus every precaution was taken by the framers of the Constitution, to insure the independence and dignity worthy of so high an office. Placed beyond the reach of party influence, or the control of the populace, the Supreme Court has commanded to this day the respect of the whole people. It might be more correct to say, it had commanded this respect up to a recent date, for Mr. Lincoln has set the example of questioning the force of its decisions, when adverse, and of treating with contempt its writ of Habeas Corpus—the most cherished of all the safeguards of the Anglo-Saxon race; and this, too, when issued by the Chief Justice, in a State within the Union. And this Court, so eminent up to this period, has not only commanded the respect of the people, but has been presided over by men, whose names are known and honoured, wherever jurisprudence has been studied.

With this example before them, and the spirit of the Constitution as a guide, it might have been expected that the various States would follow in the same steps, and secure the same advantages. But the democratic, which has supplanted the republican spirit, and which aims at reducing all things to its own level, appears to have regarded even the judges, as objects of jealousy and distrust. Throughout the States there has been, since the presidency of Jefferson, a constant desire to lower the dignity of justice,—to shackle it—to cheapen it—to shorten the tenure of the office—to bring it within the control of political committees, and render it a spoil of party triumph. In succession, the States have abandoned their old rule, of electing the judges through their governments, and have brought them under the direct sway of popular election. Some of the States have reduced their salaries below the usual income of the attorney, and placed these salaries at the hazard of an annual vote. As if election, in the first instance, by committees, had not given sufficient control, these elections are now for short periods, to render dependence more complete. Had it been the object, to reject the teaching of the Constitution, and to tarnish the dignity of justice, no more effectual means could have been taken.

The result may be readily anticipated. Men of eminence are not likely to relinquish their position at the Bar, in order to bring themselves under

such servitude, and to accept an inadequate salary, precarious in its tenure. Men of learning, of reserved habits and independence of mind—those whom other people desire should occupy the seat of justice—are ill suited, and little inclined, to frequent the lobbies of electioneering committee rooms. It follows, that the highest offices in the law are filled, in the Courts of the States, by an inferior class of men. And when the judges are treated with so little regard, it is not to be expected that there will exist any very great reverence for justice.

There is indeed a remarkable irreverence for justice, which seems to pervade all classes of society. On common occasions law and order are maintained as in other countries; but there exists a general belief throughout the popular mind, that whenever so disposed the people may discard the law with impunity. This belief creates a disrespect for courts of justice and for the sanctity of law, to which there seems no exception. Where should we expect greater decorum than in the Senate, amidst the “*patres conscripti*” of the Republic? Yet there, but three years ago, a member of the House of Representatives assaulted a senator when seated at his official desk, taking him unawares, and so assailing him as to endanger life. This occurred in broad daylight, in the open session, and but one of the senators attempted to interfere, to break the deferential respect for vigorous atrocity. In all countries outrages occur, and in

some there are influences that lead them to take a peculiar direction, but they are punished by the law, and denounced by public opinion. In this case there was a merely nominal fine, and the assailant was immediately elevated into a hero. It was held to be a brave thing thus to attack an unarmed man, and a proof of moral courage, to perpetrate the outrage in the legislative halls of the Republic. On another recent occasion, and again in the capital, a person moving in the best society committed a deliberate and relentless murder in the open day. He was acquitted by the jury because the provocation was intolerable—a just reason for mitigating a sentence, but strange ground upon which to base a verdict. All this might deserve little notice, but the man was instantly adopted as an object of public sympathy and admiration, greeted with enthusiastic applause, and is now a Brigadier-General in the Northern army.

If the law can thus be broken by men in the highest position, not only with impunity, but with approval, it is not likely to be held in greater respect in the lower walks of life. The Loafer, the Rowdy, the Border Ruffian, have become prominent actors in the drama of American life, and they are not mere exceptional individuals, few in number, but large classes of society. Each of them has equal political power with the most intelligent of the country, and is a copartner in that sovereignty of the people, of which he not unfre-

quently interprets his share to consist in the privilege of breaking laws at his sovereign will. The existence of this class leads to that tendency to outrage which no other country has ever witnessed in equal degree. Bowie knives, revolvers, brass knuckles—in the South, the barbarity of using slow fire as a means of executing negroes, when criminal; in the North, the frequent abuse of human nature on board ship, with such cruelty at times as draws piteous tears from other eyes—these are evidences of a recklessness of law which seems to be producing equal indifference to humanity. In Canada there are large tracts of border-country, and Australia is not wanting in the coarsest elements of population. In neither case are such facts to be met with; and we are driven to look to institutions special to the country as the sources of results so peculiar.

It may be said, that if the individual States thought proper to degrade their officers of justice, or lower their suffrage, or to deviate, as they have done in many directions, from the Federal standard, still this should not be regarded as necessarily chargeable to the Union. But these are results of that Union—the evidence by which it must be judged. Moreover, we shall find that the political alliance, which has given the supreme power to the violent, and overwhelmed the moderate, party, has been a direct result of this Union of conflicting interests.

Again, a Federal Government is inevitably a

weak government. The circumstances of the Union have aggravated this inherent weakness, by excluding the presence of rival or competitor. Had two Republics existed from the first, each would have constrained the other, in self-defence, to maintain a really efficient government. In place of this there has been an entire absence of power, or control, or influence over the people, in their social or domestic politics; in other words, in all matters on which the purity and health of the body politic depend. In these respects the Federal Government has beheld the States diverging more and more widely from the original standard,—powerless to avert it. The Union excluded efficiency of government when it excluded all competition with itself.

Of this general inefficiency in administration there is a striking proof in Lynch law. An occurrence of this kind on some rare occasion would invite no comment; but it does invite serious reflection to find it tacitly understood throughout the country, that all have a right to resort to it when they consider the occasion to require it. Punishment is hardly attempted, if at all; for where such sentiments exist, it is clear that no jury will convict. Thus practically, whenever the popular will may choose to take the law into its own hands, it is silently permitted to do so. This practice appears to be the more prevalent in the South, mainly because occasions to invite it are much more rare in the North. No long time has

elapsed since the Erie Railway was attacked by the mayor of a town and his officials, the rails torn up, and serious damage perpetrated, as a mode of persuading the directors to make another station. Nor is it long since some of the people of New York, interested in property on Staten Island, destroyed the hospital there, spreading out the patients on the ground. It was desirable to them that it should be removed, and they did not consider it necessary to await the slow process of petition or argument.

Another proof of the unhealthy state into which the administration of the law has fallen, will be found in "Vigilance Committees." When the Rowdy class become too boisterous, or kill some one who is held in special regard, public opinion, which commonly regards them as a rough but excusable product of the soil, becomes indignant, and rouses itself to action. Men of substance, knowing that the laws are powerless, form themselves into a vigilance committee, and make a resolute assault on the strongholds of ruffianism. They are always successful, and for a time the atmosphere is cleared. Thus the interests of society have to be vindicated by force, and at the risk of life, because the execution of the laws is too feeble or corrupt, or the hordes of criminals are too powerful to be dealt with in any other manner.

It would appear, indeed, that the real object of popular respect in the United States, is not law,

but force. Uncontrollable force in the people—despotic force in party—unlicensed force in Lynch law—indignant force in vigilant committees—daring force in individual outrage—vigorous force, however employed, at once awakens latent sympathy, or commands intuitive respect. If this be kept in view it will explain occurrences that otherwise are incomprehensible. It may be that the sentiment grows naturally out of the theory of the sovereignty of the people—a power there can be nothing to control. What, indeed, is really the basis of extreme democracy, except brute force? But be its origin what it may, there can be little doubt as to its effect on reverence for law, or its danger to the permanence of institutions. The most popular of Presidents was Jackson, the nearest impersonation of it. Probably the most popular with the mass, at a future day, will be the Louis Napoleon whom universal suffrage will eventually produce, and this without the apology that exists in the magic of that name.

It may be argued that many of the evils referred to exist only in part of the country, and that we should not permit the impressions they create to be applied to the whole. It is, indeed, one of the difficulties arising from the magnitude of the Union, that no description can be drawn that will apply justly to every part of it. There are portions of the United States, and especially New England, which in every moral attribute will compare advantageously with any district of any

country in Europe, and perhaps in some respects may not be equalled. But in judging of the Union as a whole, it would be as erroneous to take New England as a standard, as to take Utah, with its detestable practices of Mormonism. It is a great copartnership, in which we cannot relieve the worthy from their responsibility for the acts of all. The only means of forming a judgment of the whole, as a whole, is by searching out those sentiments which, though they may be illustrated by local occurrences, appear to pervade the great mass of the community, and more especially that portion of it in which the active political power resides.

An American writer observes: "Never had country better laws than ours; and in the main, at any rate, the judges are upright and correct: but the true trouble is that the people are corrupt. The maxim of 'All's fair in politics,' operating upon a population relaxed by an overwhelming prosperity, and cursed with a preternatural sharpness, has debauched the morality of the whole nation. The jury system was devised in a country where the people were less fast than here. It was founded on the theory that the community was pure. That the basis of this theory is gone, so far as this country is concerned, it needs no argument from us to urge. So long as the rulers only of a people are dishonest, liberty is safe; but what is to become of a nation, the people of which are corrupt?" The phrase here used, and generally

acted upon in the country, "All's fair in politics," throws a light on what is undoubtedly the greatest evil of the Union—a laxity of political morals that pervades public life. We have observed that the Unionist has two different sets of principles: those which guide him in private life as a man—precisely the same, speaking generally, as in other countries; and those which the same person will adopt, although in direct opposition to the former, when embarked in public affairs.

The causes of this may, to some extent, be traced to the complexities of the Union. It exists upon a series of compromises, and where, as in this case, such compromises involve great moral questions of right and wrong, there must be a laxity of principle at the very root of the system. This has been greatly increased by the political necessities of the Union. The Americans, of what may be termed the respectable class, are divided, as in other countries, into two great parties. There is a third, the lower class, largely composed of foreign elements, which gives a decisive majority to either of the two with which it may unite. Hence has arisen that flattery of the mob, so humiliating to the dignity of public men, and which, when developed in legislation, has so perverted the spirit of the Constitution, and lowered public opinion from its original standard. The politicians of the South, in order, as we shall see, to maintain their position against the superior numbers of the North, have long allied themselves

with the class naturally most opposed to their own habits and views; and in order to retain the political power thus afforded, they have aided in that levelling course of State legislation, of which the treatment of justice is evidence, and which has brought public affairs into their present condition. Political necessities have driven the aristocratic into a combination with the democratic element, and this junction has constantly overwhelmed the moderate party. There has been a competition, not to maintain the Constitution, but to invest with power, and obtain the favour and support of those whom it was the object of its framers to restrain.

We shall trace this doctrine of "All's fair in politics" throughout the following inquiries, and find it equally applied to home or foreign politics. It appears to be the parent of "Manifest Destiny," which is really the same thing as the doctrine that might makes right. Whatever a people desire to have, they have only to hold it their destiny to possess,—and take it. On these principles there can be but one law,—the law of convenience. Accordingly, we shall hardly find a principle which has not been accepted or denied to suit the convenience of the hour. As an instance, this very doctrine of secession, as we shall find, was never more loudly proclaimed, when it suited their convenience, than by the very Northern States that are now the most violent in denouncing it.

This laxity of political principle, of which the

germ lies in the original compromises for convenience' sake, we have already seen in full operation at the seat of the Central Government. With the State Governments the practice of Repudiation is another development of it. Unquestionably, in each of the States that has repudiated there was a large majority of men thoroughly honourable in their private affairs; but, the moment the question became a public one, they passed from under the private law of honesty to obey the political law of convenience. There is nothing to prevent a State compounding with its creditors, in a candid manner, on sufficient grounds; but repudiation has not been the course of those who could not, but of those who, having the means, would not pay. This has occurred in all parts of the Union, the number of States so distinguished being equal in the two sections, and the population of repudiators by far the larger in the North. And although Mississippi offers the most bold and outrageous case, there is none meaner than that of the great State of Pennsylvania.

Filibusterism is another branch of the same tree. Indeed, when a people hold themselves at liberty to break their own laws, why should they respect those of other countries? The conduct of Lopez, + and Walker, was indeed that of individuals, but all know what was the public sentiment and the action of the Government. Indeed, we find it difficult to see in what respect the manœuvres of

Anthony Ave. Filibusterism is a branch of the same tree
South object to avoid Slavery

Walker in Nicaragua differed from those which obtained Texas,—except in success. The abstraction of Florida from Spain, and of Texas from the sister republic, Mexico, when examined in detail, afford ample proof that this law of convenience has guided the action of the Federal Government. Texas was encouraged when it shared in the revolt from Spain; it was fostered when it revolted again from Mexico; it now secedes from the Union. As the Federal Government assisted in, or countenanced, the two first, it should not be surprised at the third,—a natural result of such an education. If rebellion against England was heroic, and revolt from Spain praiseworthy, or separation from Mexico commendable, it seems strange that it should be so heinous a crime to secede from the Union. Are right and wrong dependent on geography? It seems very clear that the only test of them here is—convenience.

We read in an American publication: “We cannot shut our eyes to the fact that corruption of the most alarming character and extent has for many years past disgraced the legislation of the country, and the administration of our State and national Governments. This evil has increased with a rapidity that was frightful, and not a few of our most thoughtful republicans have been learning to dread lest public virtue should, in a few years, be so thoroughly overthrown, that the continuance of the Government in form and vigour would be impossible. The fear was, not that it would be

overthrown, but that it would rot down." The first impression on reading such terms is that they must be a gross exaggeration, and yet on inquiry we soon come upon facts that justify their extent. For instance, when the State of Wisconsin lately granted a charter to a railway company, with the usual cession of public lands, the whole legislature was bribed. The Governor, his secretary, the controller, thirteen senators, sixty members of the House of Representatives, the clerks of the House, nay, even the lobbyists, at a respectful distance were admitted to a share of the spoil. There is no reason to suppose that these parties were less honest than their neighbours. The fact simply illustrates the prevailing tone of political morals.

Reflecting on these facts, we shall be the less surprised at the description given of the social state of the Union by Mr. Cassius M. Clay, in his address to the people of Kentucky, part of which runs thus: "A general demoralization has corrupted the first minds of the nation; its hot contagion has spread among the whole people. Licentiousness, crime, and bitter hate infest us at home; repudiation, and the forcible propagandism of slavery, are arraying against us a world in arms. I appeal to history, to reason, to nature, and to conscience, which neither time, nor space, nor fear, nor hate, nor hope of reward, nor crime, nor pride, nor selfishness, can utterly silence—Are not these things true?"

We believe that, in the main, they are true,—we cannot doubt the earnestness of the appeal. But when the same Mr. Cassius M. Clay calls upon us to give our moral support to the Union, we think there must be, somewhere, a strange delusion. We should say :—Invite us to support a government under which you show us the growth of purity and justice—but do not ask us to support a system whose fruits are such as you describe. We should say that secession, or disruption, might either of them be welcomed, if they afford an escape from evils such as these. It seems, indeed, time to arrest this degeneracy of a race, “nobly born, and purely bred.” Can this be done by restoring the Union? Slavery will not be extinguished by nestling it again under the wing of the American Eagle. Strength will not be imparted to the Government by restoring the conflicting elements that made it weak. The vicious effects of wide dispersion will not be effaced by reinstating the magnitude of the country. Nor is it likely that the “bitter hate” of which we read will be smoothed into affection by the edge of the sword.

If we also should appeal to “history, to reason, and to conscience,” they would declare it to be essential to the true welfare of the American people, both of the North and South, to escape from this unsound condition,—to abandon this principle of compromise,—to end this system of aggregation,—to form separate communities, each able to frame

laws adapted to its position, and permitting self-respect,—to seize this opportunity to cure the evils which unchecked prosperity and stimulated growth have engendered,—and at length to realize and manifest that there are other, and perhaps nobler objects of ambition, than enormous growth of cotton, or the possession of illimitable provinces.

The following passage occurs in Justice Story's admirable Commentaries: "The fate of other republics—their rise, their progress, their decline, and their fall—are written but too legibly on the pages of history, if, indeed, they were not continually before us in the startling fragments of their ruins. They have perished, and perished by their own hands. Prosperity has enervated them, corruption has debased them, and a venal populace has consummated their destruction. They have listened to the fawning sycophant, and the base calumniator of the wise and the good. They have revered power more in its high abuses, and summary movements, than in its calm and constitutional energy, when it dispensed blessings with an unseen and liberal hand. Patronage and party, the triumph of a leader, and the discontents of a day, have outweighed all solid principles of government. Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall when the wise are banished from the public councils because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them."

How forcibly these eloquent words apply to the facts we have passed in review! How plain for whom the picture was intended! And those earnest men, in this country, who, from a remote distance, admire, or profess to admire, American institutions,—do they believe themselves more competent to judge of them,—better versed in their details,—more accurately informed of their results,—than such men as Justice Story, or Chancellor Kent, the most profound of American minds, whose powerful eloquence is addressed to reason, not to passion, and whose prophetic wisdom is verified before us this day? We have seen the “wise banished from the councils,”—we have witnessed the reverence for power in its “summary movements,”—we have recognised those “who flatter the people in order to betray them,”—and we have now before us the fall of the Republic, even as they predicted that this would be the sure result.

We have seen that the Constitution of the United States is not democratic, that it entirely discards the most essential features of democracy, and that its cardinal principle is moderation. This, the politicians of the Union have spurned, and the main influence that now pervades all American affairs is that directly opposed to it, that of all the most baneful in politics—excess. An American, of great experience and judgment, expressed once, in our hearing, a fervent hope that this country would never follow the example. We have now

before us, and that legibly,—in handwriting upon the wall,—the results of this principle of excess,—of liberty swollen into unbounded licence,—of personal independence exaggerated into worship of self,—of power extended to number instead of reposing on intelligence,—and we witness the result of committing the government of empires to the extravagance of theorists, and the excitement of declaimers, in place of the calm and measured judgment of experienced men.

In this country the working classes have many excellent qualities—industry, natural generosity, a love of fair play, a manly spirit. Yet, we know what manner of political institutions they frame for themselves when they have the power. Let any one study the physiology of a strike—the artful cunning of the demagogue that dupes the victims—the tyranny they seek to exercise over the minority who desire to work—the ignorance of the true laws of political economy—the lurking desire to supplement inclination with force. To place power in their hands if they desire it is to place a knife in the hands of a child. Undoubtedly, the end of government is happiness. Would they, or their wives, or their children, be likely to command more real happiness if the affairs of the empire were guided on the political principles by which they attempt to regulate their own? First, give them intelligence that they may know how to employ that power wisely—then rejoice to see it in their possession. Before that, it would be

a gift to none more disastrous than themselves. In America, it is true that the populace have a far wider intelligence, they have much more cleverness, they are possessed of what we see one of their writers has termed "a preternatural sharpness." But underneath all this there is probably no more real wisdom, no greater amount of sound judgment. It is rather the precocity of the child than the wisdom of the man. And if we reflect upon the principles developed in a strike, we shall trace lineaments of the same portrait in American politics; we shall find indeed a very striking resemblance. There is the same influence of "sycophants," the same impatience of opposite opinion, the same contempt of economic laws, the same lurking desire to resort to the persuasion of force.

We conclude that these institutions, though they retain the form, have no longer the spirit of those designed by the fathers of the country. They no longer "insure justice," secure domestic tranquillity, or really further the "pursuit of happiness." The Union, a necessity when it was formed, has long ceased to be necessary. For very many years, though it has stimulated the rate of progress, yet underneath that superficial prosperity it has been working out that "degeneracy" and "demoralization" upon which we have read the testimony of the most eminent American authorities. If these be its results, showing that, whilst promoting the lower, it has debilitated all the nobler attributes

of national life, we cannot but conclude that it has entirely ceased to conduce to the well-being of the nation. In this view, its disruption, though a rude and painful shock, must prove in the end an incalculable gain to both sections of the country. In what form the advantages of its termination may accrue, to each of them, will be subsequently considered. The next inquiry that naturally occurs, is the investigation of the causes that have produced that disruption at the present time.

CHAPTER III.

CAUSES OF THE DISRUPTION OF THE UNION.—BALANCE OF POWER.

HAVING examined what the Union has really become, and to what extent its political institutions have tended to increase all those original elements of dissolution which exist in all federal governments, we proceed to consider the immediate causes of its disruption. They may be classed, and will be most clearly examined, under three heads:—

First. A political cause; the reversal of the balance of power, by the immigration into the Northern States.

Secondly. Embittered feeling; existing originally, but aggravated by the continued agitation of Northern Abolitionists.

Thirdly. Endangered interests; exposed now to the action of the Protectionist party, on their accession to permanent power.

No one will presume to assign the exact proportions in which these causes have combined to produce the present convulsion. Each of them has had greater weight than either of the others,

with some particular class in the South, but all have contributed to the common sentiment, and it may be doubted whether any one of them, alone, would have sufficed to sever the Union. In all revolutions, whatever the immediate cause of the catastrophe, it will be found that there has been a long train of accumulating causes, gradually sapping the foundations of loyalty to government, engendering discontent, or arousing animosity, and piling up, so to speak, the combustible materials which any accidental spark might kindle into a flame.

The collisions to which the question of Slavery has given rise have exercised a very large influence in producing the rupture; but Slavery has not been its principal cause, for it has never been in dispute; and, indeed, we shall find that many of the aggressive, and most reprehensible acts of the South, apparently in furtherance of the spread of its system, have really been measures of political defence. They have not had the extension of Slavery as an object of desire, as an end, but simply as a means by which to maintain its political position, in face of the rapidly increasing population of the Northern power.

If there be any one motive stronger than another in communities which have largely increased, that impulse is the desire of self-government. When once aroused, it seems impossible to allay it. It is the eager and irrepressible desire of youth to assume the dignity of manhood, but

strengthened and inflamed, as all passions are, by the accumulative influence of numbers. No other description of comfort, or profit, or luxury, will satisfy the craving when once aroused. There cannot be a more striking proof of this than in the revolt of the colonies from the rule of this country. There was no real hardship—no actual oppression. It was not the true object of that revolt to escape a duty of three pence per pound on tea, nor yet to maintain an abstract principle acted upon in no part of America, and unrecognized in most parts of the world. Its real object was independence; a desire to be their own masters. Curtis, in his “History of the Constitution,” observes: “It was a war begun and prosecuted for the express purpose of obtaining and securing for the people who undertook it, the right of self-government.”

The strength of this desire, when once excited, may be estimated by the obstacles then to be surmounted. There were bonds to be broken, perhaps more binding than any clauses of a written compact. There were the links of a common history, of no inglorious memory—the interwoven ties of relationship and ancestry—old associations of habits, of thought, of sympathy—and it might be, some trace, however faint, of the reverence of the offspring for the parent. The England of George the Third’s time, whatever its faults, was England. It was not in the power of any error of a ministry, or imposition of a tax, or regulation of excise, to obliterate the fact that to her they owed

existence. All of them alike—Puritan of Massachusetts, Cavalier of Virginia, Friend of Pennsylvania—had gone out from that same home. It was her language that was on their lips; it was her law that guarded their rights; her example had taught them liberty; the fame of her great men was a solemn inheritance, descending on both alike. It was the old mother land. Its trees, its birds, its castles, its legends, were the mind's earliest pictures. Fancies of childhood, dreams of youth, memories of age, all wandered there. History was there with grand old names, and scenes of stirring deeds, and ancient walls once strong, now beautiful. And there, too, might be found some village spire, girdled around with immemorial yews, under whose solemn shade were stones, with old faint lines, that, when the moss was moved, would tell them where their own forefathers sleep.

The England of those times was not, indeed, what it is now—far less enlightened and genial. It has grown still older, and happier. But even then it was the land of Hampden and Sydney, of Shakspeare and Milton, of Bacon and Newton, of Marlborough and Blake. None could regard it as a parent that any distant child had need to disown, or to confess reluctantly. Yet all these claims, appealing with mute eloquence to every gentle or noble impulse of duty in the present, or reverence for the past—unwritten indeed in any books of law, but piercing where laws cannot reach—all

were at once discarded, and forgotten, to appease this irresistible desire for self-government.

Thus, it would appear that the strongest of all restraining influences are powerless to withhold a people, when once aroused to the desire of independence. But why should the Southerners seek to be independent of a government, apparently their own, or to separate from those to whom they are not even under the grating burden of an obligation? In reality, the people of the North and South form distinct and rival communities. They are indeed mainly of the same extraction, and a greater uniformity of appearance and dialect exists than will be found within the comparatively narrow boundaries of this country. But in temperament, interests, and views of social polity, the people of the South are, as a rule, opposed to those of the North in a more violent antagonism than exists between any two nations of Europe. Our own animosity to France was traditional and political; it never descended to the dislike of the individual Frenchman. The evidence of Russell's letters displays a far more inveterate feeling, the existence of which has long been known to all who have visited the United States. It is true that he is describing the extremes of the case, and that in some portions of the Border States the sentiment tones down into neutrality; but, as a rule, the original antipathy between Cavalier and Round-head has remained to this day.

very few

Indeed, the force of the original discordance of

opinion and sentiment, as it existed in the mother-country, was heightened in the colonies by the fact that those who emigrated were not of the average, but of the extremes of the two parties. The Puritans who went forth were of the strictest sect of their persuasion. There was nothing in the days of our Civil War, or Commonwealth, to be compared with the stern and cruel fanaticism of the early records of New England. On the other hand, the majority of those who embarked for the South were of the loosest members of the other faction. Neither the moderate Puritans, nor the prudent members of the opposite party, had any special call, desire, or necessity, to expatriate themselves.

It happened, too, that the accidental choice of positions in the New World contributed not only to maintain, but even to increase, the original diversity. The climate and productions of the two regions of the continent are so different, that had all the settlers been from one class, there would have arisen in time a marked difference of sentiment. Throughout all history, difference of latitude has been accompanied by difference of temperament, and has formed the natural cause of the division of men into families—into races, the limits of which are the true boundaries of political geography. In this instance, the severe climate, and rugged features of the New England States, were calculated to strengthen those qualities of industry, perseverance, contempt for hardship, and

energy of will, so marked in the original stock. Its numerous harbours, and the length of coast line, as compared with its surface, drew them to maritime pursuits, whilst a rocky soil afforded no time for idleness, nor products for luxury. Thus, every element conduced to strengthen the original features of masculine character.

In the South, on the other hand, a warm semi-tropical climate, an unbounded expanse of fertile soil, and a coast for the most part shallow and devoid of harbours, developed characteristics exactly the reverse—in a proneness rather to luxury than to labour, a marked disinclination to nautical pursuits, and eventually in a system of slavery, which has added a moral antagonism to other distinctions. Thus all circumstances have combined to widen the original divergence—to render the Roundhead more democratic, and the Cavalier more aristocratic; and whilst in the mother-country both classes were insensibly tempered by the influence each of the other, by the mutual reaction resulting from the intercommunications of daily life—they were here placed widely apart, to grow up each, exclusively, in its own image and likeness.

There is a consideration which renders this contrast of character of infinite political importance. Did it exist within the ordinary limits of a kingdom, its effect would simply be to produce different classes, such as commonly exist in all countries. But in the United States we have not

a country, in the usual sense of the term. They cover the space of a continent. The slave-owning States themselves are thirty times the size of the kingdom of Scotland. It has been remarked by an acute observer, that wherever divisions of a population occupy regions of vast extent, they cease to be political parties or classes of one community, and really exist in the condition of distinct communities or nations. Parties in a kingdom are composed of men who, differing on some point of opinion, are still in all essentials alike. Whig or Tory, Orleanist or Legitimist, may change his opinion of his free will, and at once the distinction disappears. It is accidental, not organic.

But when these distinctions are geographical, and that, not as applying the term to a district, but to regions of the size of great empires, and embracing a wide range of latitude, they become organic—incapable of change at will, as matter of opinion—indelible results of birth and association. The Southerners have usually been in the closest alliance with the democracy of the North, and, in a restricted sense, they were of the same party. With different objects, and looking from an opposite point of view, they agreed on a common line of action. But they were simply allies, fighting under one flag for a given object—agreeing upon that point, but widely differing on others. In order to master the difficulties of American politics, it will be very important to realise the fact, that we have to consider, not the action of rival parties

or opposing interests, within the limits of one body politic, but practically that of two distinct communities or peoples, speaking indeed a common language, and united by a Federal bond, but opposed in principles and interests, alienated in feeling, and jealous rivals in the pursuit of political power.

The Union originally consisted of thirteen small and weak societies. This has merged into two great and jealous confronting powers. A principle of elective affinity has resolved the several elements into two bodies, within themselves homogeneous and cohesive, each repellant towards the other. The Constitution is the same, but the condition to which it was adapted is entirely changed; and the machinery, ably contrived to suit the old state of affairs, is quite inapplicable now. Originally no State could be deemed the especial rival of another, nor was there any question of the supremacy of one over the rest. But when two powers are face to face, the question of supremacy must arise, and arise without an umpire. It is not in the nature of things that they should be precisely equal, and they cannot remain in political union, except on the condition that one be subordinate to the other.

Up to the present period the Southern interest has been paramount. Virginia, the "old dominion," was originally, in all respects, the leading State. In wealth, in birth, in extent, in the value of their products, on all these points the

Southerners had the advantage. In political ability their superiority was still more striking. They supplied the statesmen of the Union, and Virginia acquired the title of Mother of Presidents. The capital of the country was placed upon their soil; the father of the country sleeps in it. And not only was this the condition of affairs at the period of the framing of the Constitution, but, so far as expectation could reach into the future, the superiority of the South was likely to be fully maintained, or even to increase. Their territories beyond the Alleghanies, the vast regions in the West appertaining to Virginia and Georgia, coupled with the greater value of their productions, afforded the prospect of growth and wealth in the future to an extent beyond any promise of the Northern States. In their position as slave-owners there was nothing to awaken alarm, for that system, though greatly more prevalent in the South, as the natural result of its climate, was still common to the whole country, and but one of the thirteen States, Massachusetts, was entirely free. None anticipated the great disruptive force that now convulses the country; it was unknown, and unforeseen. A Southern State first moved in the formation of the present Constitution; and those States, when they acceded to it, not only enjoyed the supremacy which naturally attached to their position, but were safe, to all appearance, from the reach of any influence that could undermine it.

From its earliest days the progress of the United States has been less that of growth than of a movement of the people of the Old World across to the New. At first the great stream of labour reached both divisions of the country pretty equally. That of the South was supplied to it in the form of negroes from Africa; that of the North in the shape of free emigrants from Northern Europe. The extinction of the Slave Trade, in 1808, altered this rule. It stopped this mode of increase to the population of the South, whilst that of the North augmented with accelerating rapidity. And whilst this change was taking place, it was accompanied by another, which gave it political force. The Northern States were gradually becoming free. Their climate in winter is far too severe to permit the African race to thrive there. There is no pursuit in which their labour has any advantage over that of the white, whilst in general respects it is far inferior; and as the supply of white labour increased, the negro became an incumbrance.

There were those also who, from the first, were opposed to Slavery on moral grounds. The spirit of their religion was indeed that of the Old Testament, which gives the records of ages in which Slavery existed as an institution common to all nations. But the spirit of their political faith was directly opposed to it. Those who had wrestled with every hardship, disdained every comfort, and triumphed over all obstacles in pursuit of unshackled

freedom, were not the class of men to look with indulgence upon any form of bondage. It was repugnant to the genius of the race. Moderate men disapproved, zealous men denounced it. Unquestionably the removal of Slavery from the North was, in the main, an economic measure, and would have occurred, apart from all moral considerations. The majority of the slaves were sold to the South, where they were of greater value. But still, at an early period, there were the germs of that Abolitionist movement which has since exercised so powerful an influence on the destinies of the Union, not from the numbers in its ranks, but from their ability, and the passionate intensity of their zeal. And thus, at the same time that the North was moving from its original equality with the South in population, it was diverging still more widely in social views, and thus aggravating the permanent effects of the change.

In many countries a process so slow, and exciting so little notice as the growth of population, might have proceeded for a long period without attracting observation. When observed, it might have been accepted as an inevitable fact, of no political significance. This is impossible under the Constitution and policy of the United States. Increased population converts a territory into a new State, claiming admission; and it must be either a Slave State; or Free. The political effect of emancipation in the Northern States was still greater. Each State sends to the Senate two

members, and this change in its condition removed them from the side of the Southern to that of the Northern interest, thus producing the effect of four votes on a division. In so small an assembly this had the utmost political importance. The Southerner saw his power in the Senate rapidly passing away, whilst at the same time the number of his members in the House of Representatives was steadily dwindling, in comparison with that of the North. Nor was this merely comparative; it was also absolute, in consequence of the changes in the ratio, the rapid increase in the number required to return a representative. This was at first 33,000; it is now above 120,000. Hence a State, though increasing in population, if it should not advance at this ratio, will appear to fall behind. Originally Virginia returned 10 members, to 6 from New York; the proportions are now—Virginia 11, to New York 30. But this is not all. Virginia had at one time 23 members, now reduced to 11, although her population has increased, slowly indeed, but steadily, during the period. And South Carolina which, in the scheme of the Constitution, stands for 5 in 65, or one-thirteenth of the representation, will return, under the last census, 4 out of 233, or one-sixtieth part. Hence that State has now less than a quarter of the representative power it had when the Federal compact was framed—a compact entered into with the expectation of advantage from it.

It must be at all times a source of pain to the

citizens of any State to see its political importance gradually declining. When it results from natural and inevitable causes, it will still be fraught with regret. But when a State is steadily increasing in population, to find that, notwithstanding this, its political power is decaying, both relatively and absolutely,—this cannot fail to stir up some impatience in the spirit of a proud people. There will appear an insidious principle in laws that produce such an effect. No construction of clauses, nor views of general convenience, will alter the unsatisfactory character of the thing itself. It may be argued that the alteration of the standard or ratio of numbers to each member, has been absolutely necessary to prevent overcrowding the House of Representatives. It will be said, too, that the rule applies equally to all the States. Theoretically this is true, but not so in practical effect. To reduce 100 to 50 is abstractedly the same as to reduce 2 to 1; but in practice the contest of 50 with 100 is possible, whilst that of 1 with 2 is hopeless. The effect of this practice is strongly adverse to the smaller number, or, in other words, it tends to aggravate the effect of the superior numbers of the North. It will be obvious that it only requires to push the principle to extremes to reduce the representation of a small State to a single member, although that State may have been originally important, and may have increased slowly, yet steadily in population. Theoretical arguments will have but little

effect in averting the discomfort of the losing side.

It is not indeed in human nature to watch such a process without doubting whether laws are really working to equal advantage when their effects are felt to be so unequal. Nor is it in human nature to have once been in possession of power, and permit it to pass into rival hands, without a struggle. And in some of the oldest and most important of the Southern States this spectacle of the decay of political power is rendered far more depressing when a similar decline is apparent in many other directions. Senator Benton, a strong supporter of the Union, after stating the extent to which the Southern import trade had fallen off, continues thus : " This is what the dry and naked figures show. To the memory and imagination it is worse ; for it is a tradition of the Colonies that the South had been the seat of wealth and happiness, of power and opulence ; that a rich population covered the land, dispensing a baronial hospitality, and diffusing the felicity which themselves enjoyed ; that all was life, and joy, and affluence then. And this tradition was not without similitude to the reality, as this writer can testify ; for he was old enough to have seen (after the Revolution) the still surviving state of Southern Colonial manners, when no traveller was allowed to go to a tavern, but was handed over from family to family through entire States ; when holidays were days of festivity and expectation long prepared for, and

celebrated by master and slave with music and feasting, and great concourse of friends and relations; when gold was kept in chests, after the downfall of Continental paper, and weighed in scales, and lent to neighbours for short terms without note, interest, witness, or security; and when petty litigation was at so low an ebb that it required a fine of forty pounds of tobacco to make a man serve as constable. The reverse of all this was now seen and felt—not to the whole extent which fancy or policy painted, but to extent enough to constitute a reverse, and to make a contrast, and to excite the regrets which the memory of past joys never fails to awaken.”

It is true that this picture will in no degree apply to those of the Southern States which have come into being since the Union. But it applies to a sufficient number to supply the leaders of a movement. Upon the leaders all such movements depend, and their feelings will not be unaffected by such facts as these. It is true that slavery is really the main cause, and the working of the Union a lesser one; but when there are two causes of such facts, of which men will not see or know not how to change the one, they will assuredly desire to try the effect of changing the other. The reasoning may be wrong, but the fact is there, and we cannot but see in it a reasonable ground for doubt on the part of a Virginian whether the Union has, in his own case, promoted that “pursuit of happiness” which, in

America, it is an avowed object of Government to secure.

We have considered the disturbing political effect of immigration to the exclusive gain of the North. But its effect on existing States is small when compared with its importance in respect of the admission of new States into the Union. At the commencement of the present century, the purchase of Louisiana from France, and the abstraction of Florida from Spain, gave a vast accession of territory to the South, and appeared to dispel for ever the prospect of its supremacy being disputed. The attempt, indeed, on the part of the North was long abandoned. But the rate of immigration into the Free States grew more rapid. The onward progress of the Lake States became truly marvellous; and in 1820, when Missouri applied for admission, the relative numbers in the Senate were so evenly balanced, that it came to be decisive of the continuance of political power in the South, whether that State should be an addition to its own ranks, or to those of the adversary. It was this which caused the desperate character of that struggle. The mere admission of a single State had been accepted with indifference before, when regarded merely as the addition of one to a number, but it had become the weight that was to turn the scale. Previously, each one neutralized but one; in this case it might neutralize the whole by its casting vote. As a question of Slave extension, Missouri was of no great interest, being too

far North for the advantageous employment of Slaves. There was abundance of better soil in the South untouched. But as affecting the balance of power, the importance of the Missouri question was supreme.

It is hardly necessary to state that the contest ended in favour of the South by the admission of Missouri as a Slave State, accompanied by the well-known compromise, under the provisions of which slavery was to be excluded from all the territory embraced in the Louisiana purchase, north of 36° 30' latitude. For a time this restored peace, or rather it was followed by a truce.

The original compromises on which, as we have seen, the Constitution was framed, have been followed by this and others in its working. But all such compromises, when they relate to questions of right or wrong, must involve on one side at least an abandonment of principle, and leave resentment behind. They are also evidence that the States which are strong enough to enforce them, are strong enough to break them if so disposed; and the disposition is not likely to be long absent where such antagonism exists. It is the great misfortune of America, that the thirteen colonies were ever combined into one incongruous whole. But the impression prevailed in those days that Slavery would gradually die out. Had the able statesmen of that time anticipated the existing condition of affairs, they would not have attempted to tie together interests of such magnitude and so

discordant. They would have avoided the necessity for these continuous and humiliating compromises by forming two republics, each with laws suited to its special condition.

The next severe struggle occurred on the admission of Texas. The history of that event is sufficiently deplorable. It was at first an insidious encroachment, and at last the spoliation, not of some tyrannical monarchy, but of a poor and feeble republic. Able Northern men protested against, and now denounce, this transaction; but it does not seem very logical to denounce the most important results of a system of government, and yet to hold that such system must be maintained. The event itself was not novel in its nature. General Jackson wrote to President Monroe: "Let it be signified to me, through any channel, that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished." As the mother country, Spain, was thus denuded of a province during a period of peace, why should the daughter, Mexico, be differently used? In both cases, Southern men were the prominent actors, but the people of the North were partners in the profits. Those who denounce in vehement terms the conduct of Southern men in this and other cases, appear to forget that they are denouncing the policy and the fruits of the Union, and that by its fruits every government must be judged.

Again, the political power of the South seemed

to be relieved from jeopardy, for the vast extent of Texas afforded room to carve four more States of average magnitude out of it. It seemed as if this had settled for ever the question of political predominance in favour of its original possessors.

Two unforeseen events entirely disturbed this calculation. The admission of Texas led to the war with Mexico, and to the extension of the Union along the shores of the Pacific. The land of gold, for which Columbus had sought, and Raleigh had striven in vain, was at last discovered. An enormous addition to Northern territory became rapidly peopled with a population, allured from every quarter of the globe. And whilst the search for wealth was thus telling upon number in the farthest West, escape from want was impelling a huge wave of immigration to the Atlantic shore. The Irish famine had occurred. It was no longer a movement of individuals, but the exodus of a people to be added bodily to the Northern power. Where tens of thousands had gone of old, hundreds of thousands followed now. With events so vast and irresistible it grew hopeless to contend. Each census had for a long period disclosed, more and more plainly, the superior progress of the North; but the last census presented the fact in so striking a manner, that further struggle against the overwhelming tide became manifestly vain. The attempt must be abandoned in despair, or some entirely new line of action need be adopted.

The long conflict we have described had the

Senate for its object, in which power depends upon the number of States. In the House of Representatives, the number of members from the Free States had long preponderated; but here the effect of numbers was neutralized by political skill. Had the North acted as one body, it would have been irresistible; but by its division into two parties, bitterly opposed, it was in the power of the South, by uniting with one of them, to outvote the other and command a constant majority.

The old Federalists of the first years of the Constitution became annihilated, as a party, during Jefferson's possession of power. Their principles were overwhelmed in the deluge of democracy, and appeared incapable of ever reviving. After a long period of apparent extinction, the spirit of Conservatism struggled again into being; for the Whig party, the successors of the Federalists, were the real Conservatives of the Union. Under that title they obtained a momentary triumph in the election of Harrison, but they soon fell back powerless as before, to be resuscitated under a new name—that of Republicans. This party comprises the great mass of the intellect and the wealth of the North. It is also the Protectionist party. Its leaning is in favour of a strong Government, and whatever there may be of aristocracy in the North belongs to it. To this party, the South, whose system as regards the ruling political class is essentially aristocratic, should naturally have been allied. But here arises a singular result of the complexity

of American Government. The aristocracy of the South act in conjunction, not with the conservatism, but with the democracy of the North. From the first, the Southern States anticipated danger at the hands of a strong Government, which might pass into other hands than their own. Slavery was originally on the defensive, and, under the shield of their own State Governments, they were in safety ; all beyond was insecure. They were the supporters of State rights as opposed to the powers of the Central Government ; Conservatives themselves, they became the opponents of Conservative principles in the politics of the Federal body.

By means of this alliance the South maintained its original political supremacy, not only long after the change in relative population had removed its solid foundation, but down to the present day. In this lies the real force of the recent election of Mr. Lincoln. It is idle to suppose that the South would have encountered the dangers and horrors of civil war simply because another candidate was preferred to its own. The result of an election may cause a riot, but to produce a revolution—a general movement of a people—there must have been causes long enough in action, and powerful enough to have penetrated the whole public mind. At the last election there were four candidates—Breckenridge, Douglas, Bell, and Lincoln. Breckenridge was the candidate of the cotton States, and he would have been rejected by the election of either Bell or Douglas. But no one will assert

that those States would have seceded had their candidate been defeated by either of those competitors. Again, the South had previously suffered defeat at presidential elections without the sound of secession being heard. Why, then, the effect on the present occasion? Because, for the first time in the history of the United States, the election of the President was purely geographical; it was not a defeat at the hands of a party, but at those of the Northern power. Every Northern State had voted for Mr. Lincoln; every Southern State had voted against him. It was an act which severed North from South as with the clean cut of a knife. Upon such a division Jefferson remarked long ago: "A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated, and every irritation will make it deeper and deeper." There is a truth in these words which gave the force to this event; it could neither be obliterated nor revoked. The Northern States had 183 votes; the Southern, if unanimous, 120. Hence it was plain that if the North chose to act in a mass, its power was irresistible. At last it did act in a mass. Upon that event political power departed from the South, and departed for ever; the substance had long been gone—now the shadow followed it.

It is the incurable nature of the fact that gives so crushing a weight to it. What amendment of a Constitution can alter the laws of growth in

population? What political contrivance can control the effects of climate and of latitude? It is indisputable that the superiority of the North in population will not only continue, but constantly augment. The transfer of supremacy to it, when once made, must be irrevocable. And it is necessary to consider that to the mind, and in the sincere (though it may be erroneous) convictions of the Southerner, this transfer is far more than the loss of prestige, of influence, or the emoluments of power. The election of Mr. Lincoln represents to him the determination of the North, as a body, to act upon the question of Slavery, in opposition to, and disregard of, the Constitution that protects it. It is true that such action would be at first indirect by excluding him from the territories which belong as much to the South as to the North—by surrounding him with a cordon of Free States—by compressing him—by suffocating him. Such a process of strangulation is perhaps as painful to look forward to as any more speedy manner of extinction, and to the mind of the Southerner it is extinction, in a political sense, that he foresees. He anticipates injury to his material interests at the hands of the Northern monopolists, but in the action of the Abolitionists now impelling those in power, he forebodes the destruction of his property, the ruin of his State, and the danger of his life. He sees in their success the prostration of his country into the barbarism of Hayti, with all the horrors that accompanied that terrible event. There exists,

therefore, in his view of the case, every incentive to the strongest feelings and to resolute action. Looking at the election of Mr. Lincoln from a European point of view, it was an ordinary, an insignificant event; looking at it as seen by the Southerner, it was the knell of the departing independence and welfare of his portion of the Continent.

As it was the "cry" of that election, let us briefly consider this question of the admission of Slavery into the territories. We shall find in it an illustration of the argument, that the action of the South, on this subject, though in appearance aggressive, has really been in self-defence, as a means of maintaining its political status, against the growth of the North. Between two rival powers, the result is obvious, if the one be rapidly growing, and the other remain stationary. But there are those who have confounded the idea of a means with that of an object. Politically, as in competition with the North, it is of great importance whether New Mexico, or Arizona, be admitted as a Slave or as a Free State. At once, thereupon, its vote would be as effective in the Senate, as that of the Empire State, New York. But apart from this consideration, what possible advantage can the Southern planter derive from this extension into new regions? He is a grower of cotton. Will it increase his profits to have more cotton produced, to compete with him? He owns a large estate. It cannot benefit him that

more fertile lands should be found, and the value of his own reduced. He is surrounded by friends, local associations, and some of the comforts of life. Is it desirable to abandon all these, in order to plunge into a wilderness of hardship and barbarism? Can he be supposed to do this, except reluctantly, and from some overruling necessity? Obviously, his interest, and that of his State, lie in the avoidance of competition with themselves, and in the preservation of the value of their soil; in other words, in restricting, instead of expanding the growth of cotton. As an end, an object of desire, nothing could be further from their wishes than this expansion. It is an unfortunate result of the complex politics of the Union, that the political instinct of the South is driven to oppose its material interest. It must expand whilst the North expands, or succumb. It cannot seek expansion from choice or interest, but is driven to it by the impulse of political self-preservation.

The attempt to invest with a moral sentiment this question of Slavery in the territories, will become little less than ridiculous, if we look into the facts. New Mexico, the most important of all the territories, has been organized more than ten years. It is open to Slavery—the Supreme Court protects it, the Government has fostered it there. Its climate is suitable, it lies at the extreme South, and adjoins a Slave State—Texas. With all these advantages, it is clear that Slavery will have made rapid progress, if the spread of it be really an

object of desire. What are the facts? New Mexico has an area of 200,000 square miles, and at the end of ten years there are upon it 22 slaves, and of these only 12 are domiciled. Are we then to suppose that the conscience of the North is so framed that it grieves over this poor dozen, at the same time that it endures four millions close at home? Or can we suppose that there is any real desire in the people of the South to extend Slavery, for its own sake, when, under every conceivable advantage, they advance, in occupying a region four times as large as England, at the rate of one slave per annum?

In this we see the truth of Dr. Mackay's observation—the question is political on both sides, and nothing else. The moment the South has secured the vote of New Mexico, its people care little to go there, or to take slaves there, for the reasons we have named. The object of the North is the same—the vote of the State in the Senate. The name of Slavery is used as a telling cry, as an electioneering manœuvre. Those who want a pretext, naturally adopt the most specious. To suppose them in earnest in this cry, would really be to mock their intelligence; for we must assume them to be outraged and excited by an evil, at a distance of 2,500 miles, which they endure in their own metropolis, crawling on the steps of the Capitol. What is the language even of those who profess to be acting for conscience' sake?

In Mr. Helper's book, to which we shall have

further occasion to allude, we find this passage : “Too long have we yielded a submissive obedience to the tyrannical domination of an inflated oligarchy; too long have we tolerated their arrogance and self-conceit, their unjust and savage exactions. Let us now wrest from them the sceptre of power, and establish liberty and equal rights throughout the land.” The close of this sentence will not blind many. The first French Republic went forth to enslave its neighbours, in the name of “liberty and equal rights.” We can find no instance where liberty was ever presented to a people at the point of a sword. The real object comes out incautiously—“let us now wrest from them the sceptre of power.” That is a fair political object, but why cloak it under a sham ?

And there is another proof that Slavery extension is merely a party watchword. The whole continent is now mapped out from the Atlantic to the Pacific—which is the territory that now produces anxiety to the conscience ? The North has already surrendered to the South the whole of the territories in which Slavery could exist. Kansas is a settled question. From its western boundary Utah stretches across to California, the destiny of which latter is also decided. Is it to be supposed that the people of the South would cross the vast regions of Kansas and Utah, in order to reach the wilds and winter’s cold of Nebraska, or Dacotah ? There are but two territories left to which the question could apply—New Mexico and Arizona,

and both of those are already given up to Slavery. Thus, as a matter of practical bearing, the whole question is perfectly idle. The North has surrendered the whole of the South to Slavery, and also the whole of the territories into which it can be carried. They object to its extension where it cannot be extended. As a theme of party declamation this is intelligible enough, but it seems strange that any can be found without sufficient penetration to discern its merits as a moral question.

That the small number of the Northern people who are really earnest should desire to stay the expansion of Slavery, repugnant as it is to the civilization of the present day, is very natural; and in the principles they profess we sympathize. But it does not follow that their views are permitted by the law, or in accordance with the Constitution. On the contrary, the territories are possessed for the common good of the whole of the States. Because one section of the country entertains now a sincere but novel belief, this confers no right to force it upon the other. By the Constitution, Slavery is not only protected, but, amongst other means, by that of all conceivable, the most offensive to freemen. The owner of a slave can pursue him into a Free State, where Slavery is prohibited by law, and take him back thence into bondage. In the face of this, can it be asserted that he may not take him into a territory where no such prohibition exists, which is not a Free State, and which of right belongs to him or

his State, as much as to any other? The avowed object of the North is to preserve the Constitution,—yet it departs altogether from its spirit. And this is not mere opinion. It has been decided by the Supreme Court—the great tribunal of the country, whose decision is above the law, for it can annul it—and final, for it is without appeal. In the Dred Scott case, a negro demanded his freedom on the ground of legal residence, beyond the latitude of 36° 30' North. This was a strong case, inasmuch as Slavery had been prohibited by Congress beyond that line. The Supreme Court pronounced that Congress had no power to make that law; that it was therefore null and void; and declared “that the Constitution recognizes the right of property in a slave, and makes no distinction between that description of property and other property owned by a citizen;” and further, that every citizen had the clear right to go into any territory, and take with him that which the Constitution recognized as his property.

Thus the doctrine upon which Mr. Lincoln was elected has been declared illegal by the supreme authority of the country. And how could any other decision be given? A great court of justice cannot alter the terms, or pervert the meaning of a bond, in order to meet the wishes of a client. It must take the instrument as it stands. Let any one, who has no interest to sway him, take the Constitution of the United States, and try if it be possible for him, upon the obvious spirit of that instrument, to arrive at any other conclusion than

that of the Supreme Court. And the Northern party—those who are now fighting to maintain the Constitution—how do they deal with this decision? They denounce it in their manifesto, or declaration of political principles—the Chicago platform—as a “dangerous political heresy.” The avowed object of the party is to act in opposition to this solemn decision of their own Federal and supreme tribunal.

It arises from this, inevitably, that the Southerner foresees, in the accession of the North to power, not only the reversal of the former political condition, but also, that when the decision of the highest Court of Equity may be in favour of his Constitutional rights, such decision will be denounced, and, as soon as readily practicable, will be set aside. What protection is there for him in the future? He has none in power, for the superior political strength of the North is beyond dispute. He has none in public opinion, for he well knows that in America opinion is but the slave of the majority. He has none in courts of justice, for he sees the decision of its highest Court denounced. That shelter is broken, and he knows that it will soon be removed. The appointments to the bench of the Supreme Court are political. He knows that judges will soon be selected for the express purpose of reversing former decisions. He knows that just as the sovereignty of the people in America is a despotic power, so the government of the majority there is a despotic

rule. With all these facts before him, what is he to do? Mr. Seward, the leader of the Northern party, had already announced that the conflict is "irrepressible." And so it is. Is he then to wait until all the preparations of the opposing power in this inevitable conflict be completed? or will common judgment direct him, if a conflict there is to be, to accept it boldly and at once?

There is, indeed, one means of escape. It is possible for the Southerner to surrender all power to the North, to abandon all defence of what he holds to be his rights, to emancipate his slaves, not at the instigation of his own conscience, but in obedience to the conscience of other men. If that emancipation be gradual, he may place himself under the direction of Northern men, who will regulate his affairs; if sudden, he can risk his life, and those of his children; and should his property be destroyed he may emigrate. All this he can do. But it hardly seems that this can be expected from a people numbering eight millions, the sons of those who thought it right to revolt against this country, because tea was subjected to a duty of threepence per pound. True, that was the pretext only, there was an abstract principle, and the real object was independence. But if the Virginians of that day had so irrepressible a desire to obtain their independence, they may have an equally strong desire to retain it. Subjection is still subjection, whether it be to one body or to another—the bitterness lies in the thing itself;

and the repugnance to it may be as great when it has to be endured at the hands of brothers, as when it was rejected at the hands of a parent.

It has been observed that the North had a clear right to act unanimously, and to win the election if it could. But there was more than this. They selected as a candidate one whose well-known opinions were those, not of one impartial, as between North and South, and prepared to rule with even hand both great divisions of the country, —but of an earnest and zealous partizan, a believer in opinions which, whether right or wrong, were held by one-half the country to imperil its existence. It is plain that no one can be qualified to act as President of the whole Union who is identified with opinions attacking the framework of half of it. A ruler is assumed to be above party, —it is essential to his functions to belong to no section. To elect one, unknown as a statesman, but known as a partizan, was to declare war against the other side. We are not now considering this election in the aspect of the Slavery question—that will follow—but as evidence of the determination of the North to assume the power afforded by its numbers. Why not? The South had held it long enough, why not now the North? There is this difference. Power in the hands of the South threatens nothing in the North, seeks nothing from it, desires to disturb nothing in it. It is to the other side simply a negation, an absence from office. But power in

the hands of the North, when acting, not as a party, but as a people, is then by no means a negative evil or disappointment, but a source of instant anxiety and dread. It is known it will be aggressive, and that its immediate object will be to attack the interests or institutions of the South. Oliphant remarks: "Power in the hands of the South affects the patronage of a political party in the North; but power in the hands of the North affects the happiness of almost every individual in the South. The stakes are not equal. The North are playing for the triumph of a party, the South for all they hold dearest to them."

Let it not be assumed that we hold the North to be blameable for taking into its own hands the power that belongs to its numbers. The evil lies in the surrounding facts. The present circumstances of the Union, and the opinions of the age, conflict with a Constitution which was framed under conditions widely different. Both parties are now in a false position. The one maintaining and lauding a system that has become repugnant to the civilized world; the other seeking, some few of them, to carry out sincere convictions by means opposed to the Constitution,—most of them, to make use of a sentiment they do not share, to work with as a lever in the struggle for political supremacy.

Holland and Belgium were united on the same grounds as the United States,—to obtain that defensive strength in union, which they had not separately; and the union was greatly to the

material advantage of both. But, as already observed, in a union of two powers, one must be supreme, and, sooner or later, the other finds this unendurable. There existed between the Belgians and the Dutch no conflicting social systems, no wide difference of temperament, no feeling of permanent dislike. True, there was a difference of race; but so there is between England and Wales. Different races may dwell together in perfect harmony so long as they are not rival powers. But rival powers, although of the same race, cannot coexist under the same government, unless the one be subservient to the other. So far the Northerners have been subservient to the South—little indeed to their credit. They now, very properly, desire to escape from this thralldom. Escape from it they can, but they also wish to reverse it, and that cannot be done.

Under all these circumstances it does not appear surprising that the people of the South should desire to govern themselves, and “to be let alone.” This is all they have asked. We have seen how strong, how irresistible an impulse is the desire of independence when once thoroughly aroused; we have seen what bonds it broke through, when this same people revolted from the parent State. There were all those ties to restrain, there was no antagonism to repel; here there are not the obligations, and there is the repugnance. Unquestionably, the Southern States have much more ground to demand the position of an independent

power than the thirteen colonies could allege;—in extent, in numbers, in wealth, in commerce, in every element indeed of national strength. They are also, what the colonies never were—a united people. They have the plea of that example which the colonies set them. They believe in a constitutional right to separate, which the colonies could not allege. They act upon doctrines instilled as part of the national education, all of which impel in the direction they now take.

What indeed is the meaning of liberty, if the people of a vast empire, numbering in all twelve millions, are to be compelled to remain under a government against their will? What is the advantage of being fettered together, in a Union of that hate, which relations alone can feel? The fraternity of the French has been translated, “Be my brother, or I kill you.” In what does this differ—“Remain in fraternal union with me, or I invade you, and take your life?” A desire for self-government none will deny as a natural product of American soil. Whether there were grounds for acting upon it, of sufficient weight, remains yet to be considered. The existence of such a desire will not be a justification for provoking the terrible evils of revolution, unless there be very grave causes, that seem to admit of no other manner of removal. Let us therefore consider the principal grievances that have been alleged as the grounds for carrying out this desire into action.

CHAPTER IV.

CAUSES OF DISRUPTION.—THE SLAVERY QUESTION.

DR. MACKAY, in his recent work, "Life and Liberty in America," remarks: "The struggle between the North and South, of which the negro is made the pretext, is, as all the world knows by this time, a struggle for political power and ascendancy." Agreeing entirely as to the fact, we differ in opinion as to its being so generally known. There are numbers in this country who do verily believe that the present conflict is between Slavery, and an effort to abolish it. Because the Northern are called Free, and the Southern Slave States, their respective names have been adopted in the minds of many as symbols of the principle at issue. And there have not been wanting advocates of the Union, who have thought it right, or expedient, to profit by our repugnance to Slavery, and to take advantage of our assumed ignorance of American affairs, to enlist a large amount of sympathy in their favour, by fostering this popular impression, and giving this colour to the contest.

All know the advantage of a telling "cry." This

is not only a telling one, but many surrounding circumstances give to it the appearance of reality. Yet we shall find it a complete delusion, and in its results a deplorable one. Its effect is to defeat the very object, the just and benevolent desire of those who are thus misguided. They wish to remove the fetters from the slave, and yet are led by this error to support the direct means of riveting them. But before we examine in what way, and how far, Slavery has really contributed to the disruption of the Union, it may be well to inquire briefly into its real condition in the United States. The subject is one in which feeling becomes so intermingled with reason as to render it difficult of discussion with perfect calmness. And there is none upon which feeling once aroused becomes inflamed with more violent excitement.

In this country the wrongs of Slavery were denounced with a fervid eloquence, of which the vibrations are yet lingering on the ear. Since the removal of the evil from amongst ourselves, we have striven to atone for our share in the wrong, by patient, long-persevering efforts to eradicate the Slave Trade,—efforts that have been little rewarded, unless it be in the consciousness of a right employment of unselfish power. And these efforts have maintained in active existence the sentiments that pervaded the country in the days of Wilberforce and Clarkson. As no difference of opinion exists upon the subject here, there are none who need to be converted by exaggerated statements,

or stimulated by excited appeals. We deplore Slavery as a lamentable evil, and regard it as a great human wrong, and yet we may calmly seek out the facts, and judge of them in their true dimensions. When stripped of all exaggeration they will still be found sorrowful enough ; for there is sufficient degradation to the black, and injury enough to his master, and detriment enough to society at large, were there no romance to distort the truth, or rhetoric to sweep away our judgment.

The question arises at once, whether we shall speak of the rule, or the exceptions to it. The great majority of slave-owners are men of as much natural humanity as their fellow-men, yet there will occasionally be found a "Legree" amongst them. They have the plainest possible interest in promoting the health and comfort of their people, but occasionally one will be found, whose passions neither humanity nor self-interest can curb. The great mass of the negroes, too, are in the possession of more robust health, more plentiful food, and more exemption from care, than many classes of the labourers of Europe ; yet there are instances of cruel griefs, and barbarous suffering amongst them. The abolitionist culls out these exceptional cases, and presents them as samples of the whole. Now it will readily be seen how terrible a picture might be drawn of the atrocities committed in this country every month of the year. That picture might be shaded in with brutality which is not very rare in the colliery districts, or the dense

ignorance existing yet in some few specimens of the agricultural mind,—extracts might be collected from the records of the courts, of murders, and madness, of poisonings, and suicides; and if this picture were presented to the people of Japan, it would give them just as correct an impression of the state of society in England as abolitionist romances convey of the general condition of Slavery in America.

What, indeed, are the simple facts? The negroes have at all times abundant food; the sufferings of fireless winter are unknown to them; medical attendance is always at command; in old age there is no fear of a workhouse; their children are never a burden or a care; their labour, though long, is neither difficult nor unhealthy. As a rule, they have their own ground, and fowls and vegetables, of which they frequently sell the surplus. So far, then, as merely animal comforts extend, their lot is more free from suffering and hardship than those of many classes of European labour. Take the life of a collier, for instance: what can be imagined more dismal, more narrowing to the mind, more repugnant to every impulse of human nature, than to toil through life, crouched in low passages, seldom permitting to stand erect; breathing a close and vitiated air; shut out from voice or face of fellow-man; labouring on alone in the dank gloom, like some solitary insect toiling in a vault; shrouded in darkness, except the miserable glimmer that makes

the blackness visible, and warns him, as it flickers, he is ever trembling on the brink of destruction! Is there anything in hoeing canes in the broad sunlight, or weeding tobacco-plants, or picking cotton, which, as a question of man's employment, is really worse than this?

And there are other pursuits in which men grow old, and haggard, and worn out, before the middle term of life; some in which there goes on a stealthy poisoning of the system; yet these are never wanting in recruits. Or what is really the life of a common sailor? what kind of a home has he in his fore-castle? what tranquil sleep does he ever know? what is the length or breadth of his real liberty? and what is the treatment he, poor fellow, too often receives at the hands of captains and mates? If these things be dispassionately considered, we shall find that the labour of the slave, as an employment, will compare favourably with many others that attract no attention, because there are none to utter their complaints.

It will be replied that, though this may be the case, still it is labour under compulsion. But where is there physical labour that is not under compulsion? In Europe a man must work, or starve; there is the compulsion of necessity. He does not work of his own free will, from choice, or inclination, but because he is obliged to work. In tropical countries the fertility of the soil removes this necessity—the labour of a day will support the idleness of a week. There is no

men

longer the compulsion of circumstance, but, in its place, there is that of the master. If in Alabama, as in England, a negro must either work or starve, he would require no overseer. In Barbadoes, where density of population, and the occupation of every inch of ground, enforces industry, the free black produces as much sugar as in the days of slavery. In Jamaica, where a vast unoccupied district, the whole centre of the island, afforded room to squat, to plant a dozen bananas and the roots of a few yams, and then bask in the sun, this compulsion of circumstance was absent, and the effect was soon apparent when the negro was no longer compelled to work. On reflection, we shall see that compulsion is not confined to the labour of the slave, but is the real source of physical labour in all countries, although the form of its action may be different.

That the condition of the slave in the South is not one of suffering and hardship, may be seen by the following evidence. When the growth of population in the North is corrected, for a just comparison, by abstracting the effects of immigration, it will be found that the ratio of natural increase is greater amongst the slaves than that of the free people of the North. The ordinary rule is the reverse of this; for the human race is more prolific in cold than in tropical climates. Africa, the home of the negro, is very thinly peopled throughout. In the North, too, abundance of food, and of employment, and of fertile land still

unoccupied—the entire absence of the usual impediments to marriage—all circumstances combine to insure the greatest increase of population. In spite of this, an analysis of the census returns for the last eighty years shows a greater ratio of increase on the side of the negro race. It cannot reasonably be supposed that this could occur amidst an ill-used or overtaxed people. And the physical condition and habits of the negro speak for themselves. They are a stronger and better developed race than the operative classes of Europe. The men are robust, healthy, and sleek. A thin, careworn negro is common enough amongst the free blacks, but very rarely to be seen as a slave. Their conversation and domestic habits are cheerful. They are fond of singing, and dancing of a very energetic description. Visitors to the Southern States constantly express their surprise at the drollery and gaiety they meet with.

Against this it must be considered, that although there may be a large amount of material comfort—although, indeed, the condition of the slave, as a whole, may contrast advantageously with that of several classes of European labour, as far as mere animal life is concerned, still that he is debased as a man, and that even the very gaiety of his disposition may be a proof of this. It is indeed the true objection to this deplorable system, that it ignores the real nature of man, the existence, in the words of Sallust, of two natures, “of

which the one is common to us with the gods, the other with the beasts," and that it selects to obliterate and deny the nobler of the two. But although slavery must inevitably be debasing to the intellectual being of man, the popular impression of the extent of this influence is greatly exaggerated. The amount of degradation resulting from any cause must be limited by the height from which there was room to fall. The intellectual condition of the slave has not fallen from that of his race in the home from which he was transplanted. There has been no absolute loss whatever, but, on the contrary, a positive gain. It differs also in no appreciable degree from that of the free black in the North. Strange as it may sound, the term "free nigger" is frequently used by the slaves as an expression of pity and contempt.

Why, we know not, but we do know as a fact, that Nature has ordained a difference in the mental powers of man, as marked and ineradicable as any of the physical distinctions of race. In theory, we may call every man a brother; but, as a reality, take the Esquimaux, or the Australian, and work the theory out. The Australian is of all human beings the most entirely unshackled by restraint. He commands freedom in its widest range. No slavery has ever debased him,—the name of it he never heard. Yet what is the mind of the Australian savage? Will all the culture of Europe raise it to our level? How many efforts have been made to elevate it, and with

what result? There is the New Zealander, by far less free — nay, with slavery as an institution amongst his people, in many respects as savage, cannibals but one generation ago. Yet how entirely different in mental power. The one full of noble and generous sentiments, of apt intelligence, with a keen sense of honour; the other as incapable of such feelings, as impervious to them, as if he were altogether a thing of ill-coloured clay, hideously fashioned into human form.

And these races, differing so radically in mental capacity, are in the same latitude, nearest neighbours to each other. If between them there be so indisputable a mental difference, how much easier is it to comprehend its existence in the instance of a race, denizens of the equatorial region of Africa, when compared with the people of temperate Europe. Had the negro possessed the powers of the European mind, Africa would not have remained to this day without the rudest monuments of art. What has prevented the negro from rising even to the civilization of the Arab? And why should we attempt to reason away the fact, or receive it with impatience? The mind of the negro may be improved and instructed, but it cannot be raised to the level of the European. When we see throughout Nature a prevailing law of variety, in all things—in animal instinct—in the intelligence of individual men—why assume that there should be uniformity in the mental power allotted to different races of men? The

mind of the negro avoids reflection on the past, abstains from investigating the future; he improves nothing that is old, he invents nothing that is new, he discovers nothing unknown. We are not speaking of those of mixed descent, but of the pure race; and wherever it be found, in Africa or America, these will be found as characteristics. Perception of this would save much benevolence from being led astray. We imagine the slave to possess and groan under the feelings that would be ours, if reduced to his condition. In reality, as a rule, he knows nothing of these feelings. It is just as natural to him to be a slave as it would be monstrous to us. The great majority, if their freedom were offered to them, would look upon it as a proposal to go out and starve. He was born to it, brought up to it; he has no traditions of the past to sadden it—it is the ordinary routine, the every-day condition of things around him. He tasks his fellow-slaves, when appointed over them, with a peculiar severity. He despises the white man who has no slaves. He would have plenty, and of his own race too, if he could. He has no more idea of questioning the justice or propriety of the matter than of inquiring why night follows day. We create imaginary feelings, of which he knows nothing, and sympathise with sorrows that are not really in his breast, but in our own.

We venture to express these perhaps unpopular opinions of the general state of the facts, after personal observation in our own Colonies, as well

as in the United States ; but although we believe that they apply to the great majority of the slaves, there are exceptions. There arises in some an irrepressible desire for freedom, which nothing can restrain. It haunts them by night and by day. No hardship or danger will deter them from the effort to escape. There are also those in the Border States to whom a belief has been conveyed from without, that the whole system is unjust, and that they should strive as a duty to themselves to escape from it. The numbers of these classes are considerable absolutely, but relatively to the aggregate of four millions of people they are altogether inconsiderable. The vast majority, until stirred up by others, are contented with their lot, know no other, and have no desire to incur the anxiety of going out into the world to seek a better one. Indeed, apart from other, and higher considerations, it is difficult to see what injury has been inflicted upon the negro by taking him from slavery to a savage in Africa, to place him under a civilised master in America. But there is no difficulty in tracing the injury inflicted by the system upon that master, upon the whole of the white population, or the sinister shadow which it casts over the face of society.

In the case of the negro a comparison may be fairly made. The works recently published on several portions of Africa, exhibiting the condition of the race where entirely free from the influence of the European, can leave no doubt on

the mind of any dispassionate reader, whether or not the change has been to his injury. But when the same test of comparison is applied to the white population, in contact with slavery, the result is very different. There is an absolute injury sustained by the whole white community, apparent to any observer, and the more striking when contrasted with its condition in the neighbouring free States. Where labour is allotted to the black, it soon comes to be held disreputable by the white man to place himself on the same level. But the great majority in number, in every community, will consist of those who have neither wealth nor slaves, and this important body, shut out from the path of ordinary industry, becomes a listless burden upon society instead of being its main support. The position of this large class in the Southern States is painful in the extreme. They are known by the appellation of "mean whites," a term applied by the negroes, who, as we have stated, associate respectability in the white man with the owning of slaves.

This class, which in other systems is the very backbone of the framework of society, is here disjointed and superfluous. The negro, admirably adapted for field labour in a semi-tropical climate, is altogether unsuited for factory work. In addition to this, and to effects of climate, the coal-fields, and other local advantages of the North, give to that section a superiority in manufacturing industry, with which it is impossible for the South

to contend. Thus, the working white class of the South is shut out from agriculture by the negro, and from manufactures by the North. There is no resting-place for the sole of its foot. The poor white is driven to a life of picking-up, and hanging about. In well-ordered societies, this middle class is the great source from which some pass out into labour, and others more gifted, or more energetic, rise to power. It is the body that feeds and supports life in the extremities. No society can be soundly organized in which the centre between the two extremes is in a state of chronic debility. To confine industry to a particular channel, and fill that channel with foreign labour, must clearly enforce compulsory idleness throughout a large portion of the community; and that portion, of all others, which it is most essential to the welfare of society to maintain in vigorous health. It is this paralyzed state of the labouring white class in the South that has so impeded its growth, when compared with the progress of the North. There have been other causes, shortly to be considered, but this outweighs them all in its pernicious influence on the community.

In fact, slavery, like other wrongs, reacts on the wrong-doer. Taking the most temperate view of it, stripping away all exaggerations, it remains an evil in an economical sense,—an outrage on humanity in a moral one. It is a gross anachronism, a thing of two thousand years ago—the brute force of dark ages obtruding into the

midst of the nineteenth century—a remnant of elder dispensations whose harsh spirit was law—in conflict with the genius of Christianity, whose mild spirit is love. No reasoning—no statistics—no profit—no philosophy—can reconcile us to what our instinct repels. After all the arguments have been poured into the ear—there is something in the heart that spurns them. We make no declaration that all men are born equal, but a conviction—innate—irresistible—tells us, with a voice none can stifle, that a man is a man, and not a chattel. Remove from slavery, as it is well to do, all romance and exaggeration—in order that we may deal with it wisely and calmly—it remains a foul blot, from which all must desire to purge the annals of the age.

We have already seen that the territorial extension of slavery is injurious to the material interests of the planter, and that the present struggle is not for the furtherance of slavery, (which was not threatened by the election of Mr. Lincoln,) but for the maintenance of the political position and independence of the South, overwhelmed by the growth of an antagonistic power. Nor is it difficult to offer evidence of this, which bears directly on the present inquiry. The slave-owner anxious for the continuance and safety of his system must desire, beyond all things, a guarantee of his property, the command of enormous force to crush out insurrection, and some means of recovering his slaves when attempting to escape. Now,

all of these he enjoys in the highest degree within the Union. The Constitution of the United States was framed by slave-owners, and is a slave-owning code. The whole might of the Union is at the command of the slave-owner to put down any insurrection. It was even forbidden that the slave-trade should be abolished in less than twenty years from its date. It gives political power to slavery, for in allotting the members of Congress to the population, it counts a slave as three-fifths of a man. It provides also, and is in this respect more cruel than the old Hebrew code, that the slave who has escaped on to the soil of freedom, shall be sent back into his bondage. There was a time when we, too, were slave-owners, but even in those days the soil of Britain was held sacred. It was an asylum of liberty, to which when any man had fled imploringly none should ask the colour of his skin. Slave under our laws—owned by our people—of great value to our trade—still, there was that in the genius of the race that gave a sanctity to the land,—the moment the foot of the slave trod upon the shore, his fetters fell back into the sea. There is no such asylum in the United States. The capital of the Union is a slave-owning city. The Federal Court decrees that slavery is a prison, whose walls are wide as the country. Upon the open seas, the slave-trader has but to wrap the stars and stripes around his traffic, and go unsearched. Nor in all that expanse of the North is there one altar to which

the fugitive can creep for refuge—clinging with the grasp of despair—appealing to that creed which proclaims that “life, liberty, and the pursuit of happiness,” are the inherent rights of man—but he must be dragged back to his bonds, at the bidding of the Federal Constitution.

A fervent appeal has been made to us to support this Constitution. It has been urged, and in no measured terms, that Englishmen, who condemn slavery, are bound to sympathise with those who encounter the perils of war with the name of freedom on their lips. Can it be true, that this is the Constitution we are to support, in freedom’s name? Is this what Mr. Seward calls “an object of human affection?” Our support might be demanded on the grounds that it held together a large population, and gratified the ambition of those whose thirst is for greatness. Or it might be sought on the ground that it fosters a gigantic trade, and brings large profits to its supporters. But to claim our sympathy in the name of freedom, and in the interests of the slave,—this seems a mockery of our reason, based on some great delusion in those who ask it, or attempted in a belief that the darkest ignorance envelops those whom they address.

We see clearly that, looking only to slavery, its maintenance, and protection, the Southerner can desire nothing more than he already has in the Constitution and the Union. What, indeed, is he to gain by such a change as the present one?

Instead of the whole power of the continent to support him, two-thirds will be lost to him—perhaps arrayed against him. In place of the Northern States to prevent, to act as a prison wall to the escape of his slaves, and return them at his bidding, he makes them foreign, and jealous powers. Instead of abolitionism being the doctrine of a small sect, regarded as fanatical by the great majority of the North, he will have it adopted as an article of the general creed. It is difficult to imagine a change more dangerous, more disastrous, to his interests as a slave-owner; for to these permanent effects is added, at once, an enormous depreciation in the value of his property of all descriptions, with the risk of hostile armies shattering the whole system into ruin. Hence, to support the theory that slavery, as a system, has been the cause of existing events, we must suppose its people ignorant of their Constitution, and all its safeguards, and blind to evils and dangers inevitable in the change, and so obvious that he who runs may read them. But the men of the South have been, throughout the history of the United States, the ablest statesmen of the Union, and it cannot be conceived that they could be blind to consequences so manifest. The truth is apparent, that so far as slavery is concerned, the South has every possible reason for remaining in the Union, and that they have acted in direct opposition to that interest, under the influence of other and more powerful considerations.

There is, however, a more distant view of the case which has to be considered. It may be said, that although the present state of facts may be as we have described, yet that the accession of the Republican party to power produced an apprehension that the strength of the North might be eventually exerted to abolish slavery, and that the South have acted in this anticipation. But this theory can only be entertained by those who are unacquainted with American politics. There exists in the North a small sect of Abolitionists, zealous to fanaticism, but resolute, untiring men. In numbers they were a handful. In politics they were tabooed by both great parties. By the mass of the people of the North they were avoided, and ridiculed. At the present moment they stand apart in their action from that of the Washington government, and are one of its most perplexing difficulties ; and whilst the representative men of the North take up the Constitution as their banner, the views of the genuine Abolitionists cannot be more plainly expressed than in their own words.

One of their leaders, at a meeting held in New York, May 13, 1857, laid down the principle that "They demanded justice for the slave at any price—of Constitution, of *Union*, of country. He believed that this Union effectually prevented them from advancing, in the least degree, the work of the slave's redemption." And at the same meeting, William Lloyd Garrison, one of the foremost of

the body, made use of these expressions : " So long as this blood-stained Union existed, there was but little hope for the slave." There are on record far stronger sentiments from the same leading authority, such as the following : " This Union is a lie ; the American Union is a sham, an imposture, a covenant with death, an agreement with hell." " Let the slave-holding Union go, and slavery will go with the Union down into the dust." From this small specimen it will be seen that the genuine Abolitionists regard slavery, not as an evil, but as a crime ; that they hold it matter of religious principle, not to be sacrificed to profit, or ambition, and desire it should be ejected at whatever cost ; whilst the government, and the great majority of the people of the North, are fighting to retain it within the Union.

There are indeed in the North considerable numbers of rational men who object to slavery, and deplore it, but are not disposed to break the laws, or plunge the South into a whirlpool of ruin. They hope the day will come to end it, but decline acting till they see clearly how to act. The number of this class is steadily on the increase, and it now forms an important section of the republican party ; but even in this class it is difficult to say to what extent the feeling is not one of party, rather than principle. The Democrat supports slavery—the object of the republican is to defeat the Democrat ; therefore he must needs object to slavery as a party matter. But after allowing for

this, there is still in the North a large amount of sincere and rational objection to it, entirely apart from those who turn the principle into a trade, or the politicians who use it as a tool of party.

But the Southerners are well aware of all this. The agitation of the question has no shock of novelty, it has existed for half a century, and has frequently been more violent than at any period of the past year. They are well aware of the considerable proportion of make-believe in American professions. They had ample evidence of the intended policy of the republican party, and of the government now under its control. It is the practice in the United States for each party, before the presidential elections, to issue a manifesto declaring its principles, popularly known as its "platform." The republican platform was adopted at Chicago in 1860. Its fourth article runs thus: "The maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment, exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends." The "domestic institution" referred to in this clause, of course, is slavery. Here is the manifesto of the Northern power, now supreme, which plainly declares that slavery, under the control and according to the judgment of each State containing it, shall be "maintained inviolate."

On the accession of Mr. Lincoln, his inaugural address affords an exposition of the policy of the new government. It contains these words: "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists; I believe I have no lawful right to do so, and I have no inclination to do so. Those who nominated and elected me did so with a full knowledge that I had made this, and many similar declarations, and had never recanted them. And more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read." This is followed by the clause from the Chicago declaration already quoted, and he continues: "I now reiterate those sentiments, and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in anywise endangered by the now incoming administration." Mr. Lincoln then proceeds to recite the fugitive slave clause of the Constitution, and remarks: "It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the law-giver is the law. All members of Congress swear their support to the whole Constitution, to this provision as much as any other." In a further passage he proceeds: "I understand a proposed amendment to the Constitution, which amendment

however I have not seen, has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose so far as to say, that holding such a provision as now implied to be constitutional law, I have no objection to its being made express and irrevocable."

This addition has since been made to the Constitution. It was passed by Congress on the 3rd March last, and runs thus: "That no amendment shall be made to the Constitution which will authorize or give Congress power to abolish, or interfere within any State with the domestic institutions thereof, including that of persons held to labour or servitude by the laws of said State." It is therefore now part of the Constitution and bond of Union of the United States, that its government has no power, and never shall take power, to interfere with slavery in any of the States. It was indeed entered on the journals of Congress soon after the formation of the present Union: "That Congress have no authority to interfere with the emancipation of slaves, or in the treatment of them in any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require." This entry might have been rescinded, but now a clause of the Constitution, supreme above the powers of Congress, ordains

that slavery, so far as federal legislation or government extend, is irrevocable in the United States.

Thus we have the most indisputable evidence that slavery in the States is not to be interfered with in the future; we have that of the political manifesto of the North—that of the address of the President they have elected—that of Congress passing an amendment to the Constitution, declaring it for ever beyond its reach. Strange, that in the face of all this, there should be those who can bring themselves to believe that the abolition of slavery is the real object of this conflict. But if it be so clear that slavery is not really at issue, how comes it to be so identified with the contest? We have already seen that the question of its extension into the territories has formed a great element in the strife, in no respect as a question of moral principle, but solely as one of political power. Beyond this, it has contributed to the rupture in a very high degree, not indeed upon any consideration of material interests, but as a source of rancorous enmity of feeling, embittered by the intemperate language and irritating agitation of the Abolitionists.

We may know a possession to be safe under protection of the law, but if our title to it be attacked year after year, our right denounced, and our principles reviled, at last, although reason may not be alarmed, patience will become exhausted, and temper aroused. The attack may not

be formidable in power, but intolerable in its nature, until at last the desire to be rid of it becomes irresistible. In order to estimate the strength of this feeling, we must consider what are the views of the Southerner upon this subject, and in what manner they are attacked. To judge correctly, and appreciate the feelings of the people of the South, it is essential to divest ourselves of our own opinions, and to conceive that we occupy their position and see with their eyes.

All know that in every country labour is the groundwork of society, to imperil which is to imperil existence. The nature of the climate in the South caused this labour to be that of the negro, and we, for our own advantage, planted the system in the country. There are those who hold at the present day that cotton could be grown as well by white men. In a partial sense, this is true; in a general one, quite fallacious. In the uplands of the Atlantic States, and on the elevated lands of Tennessee and Texas, it is quite possible, and indeed now in practice. But the quantity these districts produce is insignificant in reference to the whole crop. The soil, so admirably adapted for the growth of cotton, and which none other in the world appears to equal, is the "bottom land," the alluvium, along the course of the rivers of all the most baneful to the white race. The heat of the cotton States in summer is as intense as that of the West Indies, and more exhausting in its effects, for there it is tempered by the humidity of the

ocean and the daily alternations of the land and sea breeze.

On several occasions the employment of white labour has been attempted in Jamaica, but invariably with the same disastrous result. Besides, cotton is not the only product of the South ; there are others of large importance—tobacco, sugar, rice. In South Carolina, at certain seasons of the year, such is the nature of the climate, that the planter, born and nurtured on the spot, is forced to leave home and fields for many months of the year. Around Charleston it is regarded as certain death to continue in the country even for one week during the summer season. Suppose such a district peopled with white labourers—could they remove, to reside in other air, for many months of the year, and what would become of the crop during their absence? And yet, in the midst of all this, the negro continues at his work, amidst the swamps, in perfect health. In Louisiana, the heat of the climate is aggravated by the process of sugar-making to so great a degree, that the European can hardly endure to stand in the temperature in which the negro has to work ; yet they rejoice in the juice of the cane, and are never more hearty than during the boiling season.

The plain truth is, and it is idle to attempt to argue it away, that the white man is the inhabitant and labourer of the temperate zone, and he would no more thrive if put to field labour amidst the canes of Louisiana, or the rice-swamps of Caro-

lina, or the cotton lands of Mississippi or Alabama, than would the Bengalee, in the ice-harvest of the winter's cold of Massachusetts. Nature has allotted to each latitude a race suited to its climate, and we cannot reverse her laws. And whatever may be the speculations of visitors and theorists, this is beyond a doubt—that there exists in the mind of the Southern planter a thorough conviction, that without negro labour his fields must go untilled, and he and his children come to want. With him, therefore, the question is more than one of mere profit, it is one of existence.

It is also one of property : a subject upon which, in every part of the world, and in none more so than in this country, human nature is susceptible and tenacious. And in this case it is no ordinary amount of property. The slaves of the Union have been valued as high as six hundred and fifty millions sterling, which appears excessive. But taking the number, which is by the last census four millions, at an average value of 600 dollars—a very low estimate in 1860—this would give a sum of five hundred millions of pounds sterling. And they who talk so readily of emancipation—who denounce the South so bitterly and impatiently—do they stop to consider what five hundred millions sterling really means? We emancipated our slaves at a cost of twenty millions, a trifle in comparison. Who is prepared to say that, to this very day, we should not have continued slave-

owners, had it required five hundred millions to remove the evil? If we assume that payment of the full value might not be required, who is prepared to pay half, or a third, or a quarter of the sum? Is it proposed that the South, of its own magnanimity and virtue, should make the sacrifice? But when was such a sacrifice heard of, or recorded in the history of mankind? Men will make sacrifices under the impulse of their own strong convictions of duty; but in this case there is no more conviction of wrong than existed amongst our own West Indian proprietors; if possible, still less.

And the vast sum named is not all that is at stake. The value of real and personal estate, in the South, has been estimated as very nearly equal to that of the slaves; and by this rule, the landed property would considerably exceed two hundred millions. Now as the loss of slave labour would, in their belief, virtually annihilate all value in land, it is really as a question of seven hundred millions sterling that this subject presents itself to the Southern mind.

There is another result of the abolitionist agitation. The American of the Southern States is not entirely without the feelings of other men. It is well known that the most accomplished and refined of American society may be found there. They have contributed more than their share to all that has given lustre to the military history of their country, or the councils of its Senate. Of the names familiar to Europe, those of Washing-

ton, Jefferson, Madison, Munroe, Jackson, Marshall, Clay, Calhoun, Scott, and Maury, are all names of Southern men. No equal list can be produced out of the Northern ranks. Hence it is fair to suppose that a community of which such men were, or now are, citizens, is not so entirely barbarous as to be void of feelings common to the rest of mankind. If they do possess them, what must be the effect upon those feelings of a gnawing agitation, which not only aims at the destruction of their property, accompanied by the jeopardy of their existence, but which holds them up to scorn in the press, in the pulpit, in society, as men of no principle, of no humanity; which depicts them as monsters in novels, and denounces them as reprobates in sermons? Is any people to be found so utterly phlegmatic, as to be exposed to this year after year—to hear their own fellow-citizens rebuking them as criminal, and striving to destroy the system on which their property and existence depend, without being roused at last to some strong degree of impatience? And when we know that they are naturally a proud and sensitive race, we cannot but expect that these things have sunk deep into their minds.

The Southerner is conscious that the rising generation in the North is being educated to look upon him as one of a lower order of civilization: as a culprit and a sinner, whom it is a religious duty to reclaim from the error of his ways, or to punish for his wickedness. Now if all this be

ever so true, it is not the less galling to the spirit of a powerful people. It was no part of the terms on which the sovereign States of the South entered into the federal compact, that others of the contracting States should assume a right of moral superiority, or adopt a practice of teaching and preaching against them. They simply continue what they were when the compact was framed; they act in the spirit and under the terms of the Constitution. They were slave-owners then, as we were—as the North was; they are so still. There was no bargain that one section should change its moral standard, and enforce its altered views upon another. Any American has a clear right to urge the abolition of Slavery in his own State, amongst his own people, and to use such form of persuasion as may seem best to him. But it becomes a very different thing when one section assumes this right against another section, each of them guaranteed by the Constitution, that its social polity shall stand intact, under the control of its own people. Hence this agitation not only embitters the feelings of the Southerner, but appears to him utterly unjust, as a direct violation of the whole scope and spirit of the federal compact.

There are also some passages of history that are deeply impressed upon the Southern mind. The insurrections that have several times occurred in America and in the West Indies, and the rising of the Blacks in Hayti, dwell constantly upon his memory; and when he reads some abolitionist

incitement to revolt, and when, recollecting what every negro revolt has been, he casts his eye upon his children, upon his daughters, and his wife, he must be more or less than man if there stir not up some strong and bitter feeling within him. The treatment of Abolitionists in the Southern States has been one result of this—is it very surprising to find as another—a desire to depart from the Union, and to be “let alone?”

Having before us these views of the South upon this subject, and the enormous amount of the interests at stake, let us see by what means and manner of persuasion the Abolitionists have attempted to deal with so difficult and so vast a subject. They have adopted but one method—abuse. Speeches, novels, sermons, pamphlets, but all the same thing, a repetition of words, without a plan, and without one serious practical effort. It is plain that to overturn the framework of society,—suddenly to cast adrift four millions of human beings, and jeopardize interests amounting to seven hundred millions sterling—without well-digested precautions—would produce no other result than desolation and woe. Yet this is the proposal of the leading Abolitionists.

It may be said that the subject is so vast as to render it hopeless to approach it in any practical spirit; but there are branches of it within the reach of direct action—some, indeed, requiring no supreme exertion. Not one of these has been seriously undertaken. It is a cheap matter for

those gifted with powers of speech, to denounce the errors of other people. Liberty is a favourite subject for declamation, and slavery affords an inexhaustible text for sermons. But where are the solid, practical, business-like measures of thoughtful and earnest men? The district of Columbia is under the absolute control of Congress, and is a slave district, unshielded by the Constitution. There is no compact in the way. There are strong and peculiar motives for action : for here slavery degrades the metropolis of the land, invades the temple of the national liberties, and desecrates the home of all that is most sacred to the nation. Here, too, it is a duty, not under the responsibility of others at a distance—it belongs to themselves. None can urge the plea that it lies beyond reach, obscure, or remote ; it is there visible, palpable, every hour of every day. The number of slaves, too, is small ; by the last census but 3181. Yet there it remains to this day. It is true that just as there is a special incentive to the one party to desire its removal from the capital of the Union, so there will be equal eagerness with the other to defend it. But if the whole power of the abolitionism of the North has not sufficed to effect so small a matter as this, if it cannot master a number of 3181, what shall we say to the judgment or common sense, that undertakes to deal with four millions in number, and seven hundred millions sterling in value?

If the power of resistance would be great in the

district of Columbia, there is a position, not far distant, where it would be feeble. The little State of Delaware has long been hovering on the verge of freedom. It has no industry in which the employment of slaves offers any advantage, and their number is but 1798—a mere handful. Yet in the Senate, the two members for this little community are of equal power with those of the greatest State in the Union. The change would reverse their position, and have the effect of four votes on a division. This measure, so important in practical result, and so easy of accomplishment, so sensible and useful a step, is not attempted. It is too narrow a field for enthusiasts; it would be descending from the oratorical to the useful, from profession to real work.

There are other directions, too, in which we should expect to see the fruits of a real desire for the benefit of the black. There are considerable numbers in the Northern States, under the immediate eye of the Abolitionists, so eager for the welfare of all those who are distant. Large numbers of these are in a state of deplorable poverty and degradation, excluded from all but the lowest pursuits, treated on all hands with aversion and contempt. Charity begins at home. The benevolence that takes no heed of suffering within its reach, in order to occupy itself with distant and unattainable objects, may spring from a pure impulse, but it takes a very questionable direction.

And Boston, and New York, which are the head-quarters of the Abolitionists, are also, strange to say, the head-quarters of the slave-trade. Lord Lyons stated in September, 1860, that in the previous eighteen months, eighty-five vessels had sailed from American ports, to be employed in the slave-trade. Of ten vessels captured in one year by the American squadron, on the coast of Africa, seven were from New York. It is well known that although the slaves are taken to Cuba, the slave-trade is American, carried on in their vessels, with their capital, and with their energy, and nautical skill. Against this we have remonstrated in every form in vain. How shall we account for the apathy of the Abolitionists at home? It is impossible to fit out vessels with the bulky equipments required for the trade so as to escape detection, if there be those on the spot who are earnestly alert. But this, again, would be descending to realities.

Thus we find it the practice of the Northern Abolitionists to discard all practical measures, and to confine their operations to oratory and invective. What rational hope is there of success by such instruments? It is plain that emancipation can never be accomplished without the consent, and the direct action of the Southerners. Against their will it would be insurrection, a servile war of the most terrible kind; and if a war of extermination were to be roused, it is the negro that would be exterminated. The South is not in the

position of St. Domingo or Jamaica: the whites are rather more than two to one. But in addition to numbers, they are in possession of arms, resolution, knowledge; their actual power, in such a conflict, would be as six or eight to one. Many of them, in remote districts, would doubtless be sacrificed at the first outbreak, and terrible suffering would be inflicted, but in the end it would be a conflict of which none can doubt the issue. The greater part of the negroes would be held in a slavery sharpened by the event, the rest would be destroyed.' *all as in original 137*

Clearly, then, emancipation is impossible, except with the consent of the people of the South. Can they be convinced by reviling them? Is that a means by which to persuade the reason of any race of men? At all times it is difficult enough to alter opinions that are the result of birth and association; and when they coincide with interest, or imagined interest, the task is all but hopeless. To attempt it by means of invective and abuse is the last extreme of folly. Let us suppose that any one of our institutions excited the opposition of the French, and that they should proceed to persuade us to change it by pouring upon us torrents of abuse; what would be the result? Clearly, that we should cling to it with far more than the original tenacity. This is precisely what has happened in the South. Originally, slavery was on the defensive, admitted to be an evil, or deplored as a sad necessity; but stung by the lan-

guage of the North, the Southerners have turned round upon them, and have wrought themselves into the monstrous belief, now prevalent throughout the South, that slavery is actually a blessing, an institution commendable to humanity, and one to be cherished for its own deserts.

Originally the action of the Abolitionists, confined as it was to a small number, excited angry feeling, but very little political notice. The attempted insurrection, of which John Brown was the hero, greatly altered this. Miserable as was its failure, and wretched the whole enterprise, as an act of any reasoning creatures, still it was accepted by numbers, in the New England States, as an act of heroism. The language generally used in allusion to it, and that not by Abolitionists alone, excited a deep and abiding feeling in the South, a conviction that between the whole Northern population and themselves there yawned an impassable gulf, beyond the power of man to close, and certain to grow wider year by year. About the same period Helper's book appeared, and might have passed unobserved, but for the extraordinary course adopted to bring it into notice. It was recommended for circulation by the signatures of no fewer than sixty-eight members of the House of Representatives, including Mr. Seward. Much of it is a mere mass of rabid froth; here and there a striking passage may be found, but intermixed with others of the wildest and silliest character. How men of experience in

political affairs, with the remotest idea of the difficulties of immediate emancipation,—the danger, the critical delicacy of the subject,—could have recommended such a production as this, is indeed hard to comprehend. It urges the North to exterminate slavery and at once, without the slightest compensation, in language of which the following is a specimen, addressed to the Southerners :—" Frown, sirs ; fret, foam, prepare your weapons, threat, strike, shoot, stab, bring on civil war, dissolve the Union, nay, annihilate the solar system, if you will—do all this, more, less, better, worse—anything ; do what you will, sirs—you can neither foil nor intimidate us ; our purpose is as fixed as the eternal pillars of heaven ; we have determined to abolish slavery, and—so help us God—abolish it we will."

We have seen how enormous are the interests at stake ; how gigantic the amount of property in jeopardy, — of property which — the whole of which — the Constitution of the United States recognizes. Let us see how the Abolitionists propose to deal with it. This man, Helper, writes : " Compensation to slave-owners for negroes. Preposterous idea—the suggestion is criminal, the demand unjust, wicked, monstrous, damnable. Shall we pat the blood-hounds for the sake of doing them a favour ? Shall we fee the curs of slavery to make them rich at our expense ? Pay these whelps for the privilege of converting them into decent, honest, upright men ?" In

other passages they are compared with "mad dogs"—with "small-pox, as nuisances to be abated;" they are classed with gangs of "licensed robbers," "thieves," and "murderers," and addressed in terms and insulted with epithets such as none, however disinterested, can read without strong feelings of indignation.

This is the wretched ribaldry approved by Mr. Seward and Mr. Sherman, the two leading politicians of the North, they knowing it to be addressed to their fellow-citizens—a people of eight millions in number—the fellow-countrymen of Washington, Madison, and Jefferson; and simply because they continue to be what those, the Fathers of the Republic, were. Can we wonder that such language as this would incense mortal men; or that, when they found those who approved of and endorsed it exalted to power, they should indeed conclude that fellowship with such was no bond of love, but, as others have termed it, a "union of hate?" What could result from such language and principles as these, but woe to the slave, and destruction to the Union?

The ablest intellect the North has produced all will admit to be that of Daniel Webster. In 1851 he spoke thus: "It is said by a class of men to whom I have referred that the Constitution is born of hell; that it was the work of the devil; and that Washington was a miserable blood-hound set upon the track of the African slave. Men who utter such sentiments as these are ready at

any moment to destroy the charter of our liberties, of all your happiness, and of all your hope. They are either insane, or fatally bent on mischief." Insanity is a sad thing, but there is one form of it that is execrable—that is, sham insanity. One of the chief leaders of the Abolitionists, on the 4th July, 1856, undertook "to register a pledge before heaven to do what within him lay to effect the eternal overthrow of the blood-stained Union." This very man is now taking an active part in support of the war to maintain that "blood-stained" Union. Had Daniel Webster lived to this day, he would have seen that some of those he spoke of as insane, were only trading with a sham insanity.

It is very remarkable that some of this spirit of mere fanaticism has crossed over, and crept into the press of this country. We find it difficult to account for the sudden violence with which the subject has been discussed in some directions. At the worst, slavery is only the same thing now that it was last year in the Union. It is no peculiar iniquity of the Southern States. Brazil escapes these invectives. Spain is a slave-holding and slave-trading country. Turkey, our recent ally, is by no means free from it. France held slaves within the memory of all who are not children, and, as we know, has carried on a slave-trade in disguise within the last two years. Nay, are we, as a people, to forget that we too were slave-owners within a period not yet remote, and that

our own slavery was far more harsh than that of the Southern States, as the relative statistics clearly evidence? Are we to forget that our own hands inflicted this injury upon the people? They indeed might justly vent their indignation upon us, and cast on us the reproach, that *we* planted this evil in the soil. But what right have we to pour out invectives upon those who are simply the victims of our own wrong? Is there an epithet in all the vocabulary discharged upon the South that does not reflect upon the memory of our own fathers? Is it a reasonable thing to visit others with denunciations because they do not terminate that which we cannot tell them how to end? The crime of slavery lies in the creation of it—that was *our* act. If some person should turn a flood of noxious gas into a chamber, and those within should reel and stagger under its poisonous effect, upon whom should our wrath be bestowed—and who might claim our consideration?

Further, are we really sincere in desiring to improve the condition of the negro, and to obtain for him, if it be a possible thing, the inestimable boon of freedom? If so, how is it to be accomplished? One thing is plain to all men, that the method of abuse employed has had but the natural effect of aggravating the evils of Slavery. With such experience before us, shall we pick up these old weapons to use them secondhand? Is the language of American Abolitionists such that we should desire to enrich our literature with imita-

tions of it ; or is their discretion so obvious that we do well to take their judgment as a guide ? Is there no new path, as yet unexplored, that at least is not known to be hopeless ?

There is such a course, which may be taken, too, with some rational prospect of success ; for the secession of the South, followed, as it inevitably must be, by its independence, affords the first gleam of hope that has dawned in America upon the negro race. We have seen that the restoration of the Union would shut out all possibility of benefit to the slave. We have seen that the Constitution as it stands permits no hope ; that both the President and the Congress have expressed their perfect willingness to add fresh props in support of slavery ; that it now stands under the Constitution, so far as legislation extends, an irrevocable thing. But it must also be remembered that a restoration of the Union, were it to occur as the issue of the present war, would involve an arrangement of conditions of peace. However speedily that might happen, the cost and danger of the war to the North would have been sufficient. The policy of the Government would be to avert a fresh outbreak by every conceivable privilege. The supreme object would be to buy or bribe back the affections of the estranged partner, and efface the bitter memories of the past. Within limits, to be imposed only by a sense of shame, it is difficult to imagine any concessions too great to be granted. In all this there

is little hope for the slave. Every flaw in every link of his fetters would be welded anew. Indeed it is difficult to rise from the perusal of the evidence on this subject without the conviction that, but for the opprobrium of such an act, the Northern power would be ready, very ready, to assent to the reopening of the slave-trade, if that were demanded, as a bribe for return to the Union and to cordiality. The Abolitionists would be cast aside without a thought, but not extinguished. Ill-judged, fanatical, as the action of that party has been, there is truth at the bottom of its principles, and that cannot be extinguished. The South, therefore, would be in a condition to maintain its system, strengthened with additional powers, to wreak upon the slave, if so disposed, the rancour of defeat, whilst the old irritation would still be kept up as a sore, festering in its side. In all this the most sanguine enthusiast may abandon, without delay, any hope of advantage to the negro.

But a far different prospect is opened by another view of the future. If the Southern Confederacy maintains its independence, it will become its strongest desire to be received into the family of independent powers. It will clearly be allowable to our Government to decline to acknowledge that independence without express conditions in relation to slavery. Apart from the difficult subject of absolute emancipation (and in any rational view of the case, as necessary preliminaries to it), there

are many less striking, but really important changes, which are clearly practicable, and which would ameliorate at once the condition of the slave, lessen his degradation, and educate him for further advances into freedom. These changes could be made, too, without appreciable loss to the owner. In Cuba advantages are possessed by the negro unknown at present in America. There slavery has its rights, and amongst them the great right that any slave may demand that his value shall be appraised, and that, on providing the declared sum, he may tender it to his owner, and become a free man. And this right is no dead letter, but, on the contrary, in such active operation that, but for fresh importations from Africa, a large proportion of the black population of Cuba would become free within an early period. If such a system be in action without difficulty there, it must at least be possible in America. Again, an exchange from slavery into serfdom would involve no insuperable difficulties. To prevent the separation of husband from wife, or parent from child; to substitute taskwork for unmeasured labour; to organize some means for the prevention of cruelty—in short, to end the barbarities of the present condition of slavery; all this could be done with no positive detriment to the owner, and with immeasurable advantage to the slave.

If this were proposed to the Government of a reconstructed Union, the reply may be easily predicted. We should be warned of the presump-

tion of attempting to interfere in matters entirely domestic; we should be reminded of the condition of various classes at home; some allusion might be made to the Declaration of Independence—possibly to Ireland; finally, the star-spangled banner would wave over the whole. Let us suppose the same suggestions to be made to the government of the new power. If made in an earnest, and yet friendly tone, the probable reply would be: “Our system, whether it be right or wrong, we have no immediate power to alter. But we desire to obtain the respect of other States, and especially of those whose goodwill is essential to our welfare, by making at once those amendments in it that are within our reach. We cannot desire a state of permanent conflict with the opinions of all the great civilized powers. We inherit a position we have not made, and cannot escape from at will; but as far as our means extend we will endeavour to respond to the suggestions of friendly powers, and to enter into accordance with the spirit of the age.”

There is a ground of hope in the division of the Union, to which some attach considerable weight. It is argued that when the North becomes a foreign power, it will be impossible to prevent the escape of slaves, and that this must insure the downfall of the system. This impression is a natural one, on a cursory view of the subject, but will not bear examination. The relative position of the slave and free States will be the same.

There is an underground railway now. The fugitive-slave law has been met by personal-liberty bills already. One of the most material changes that will result from a separation will be the formation of a strong government in the North. A very prominent condition of peace will doubtless be the rendition of slaves. But such a condition would then be enforced by a strong government, and demanded by a rival power. Again, the agitation against slavery, though it will continue, will cease to be a matter of party politics, and this will remove from it the main element of its power. In truth, there is but one means by which emancipation can be effected, and that is by the free will and desire of the Southerners themselves.

That this may ever come about is not so hopeless as at first may appear. The slave-owner has no particular love for slave labour; there is no pleasure in it, like that which a man enjoys in looking upon his manor. With the great majority it is simply a question of producing cotton at a cost, for labour, of so much per pound. Assume, for the sake of argument, that, including interest, maintenance, and all other items, slave labour cost threepence per pound of cleaned cotton; then if the planter be supplied with labour equally steady, at the same cost per pound, it will not concern him whether it be that of the free man or the slave. It follows from this, that if the Southerner be once relieved from that bitterness

of spirit under the influence of which he is deaf to reason—if enabled to return to the original temper of the days of Washington, before fanaticism had worked its evils upon him and upon the slave, it will be found that the difficulty is really one of detail. The great obstacle lies in the fact already pointed out, that there is no physical labour without compulsion, and that this compulsion is absent in the circumstances of the South. It is an easy thing to make a slave free, but just as difficult to make him industrious when free. There is ample proof of this in the present state of Hayti, when compared with the magnificence of its commerce when a possession of France. Two years sufficed to sweep civilization away. None profess as their object the freedom of the black, that it may be used merely as the power of lapsing into the idleness of the African savage, of squatting in swamps, and basking in the sun. It is assumed that he is to be both free and industrious. But as no labouring class is really so from choice, and least of all a race of tropical origin, and as the circumstances that enforce work in Europe hardly exist in the South, it follows that their place must be supplied by regulations, by laws carefully devised, the true effect of which would be to place the free black in the position of the labouring man in Europe—simply, that he must work or want.

In carrying this out, the large quantity of unoccupied land in the States presents formidable difficulties. But these exist in Russia, where serfdom

—and that on a scale far more vast—is at the present day passing into freedom. What is effecting that beneficent change there? The same influence which alone can effect it, and which may yet effect it in the Southern States—the power of public opinion. What institution exists that can permanently resist it? Invisible—intangible—that none can gauge—or measure—or picture—or define—who is not penetrated by its influence—who does not bow to its force? The Emperor of France, at the head of his legions—holds back from that encounter. What else overthrew slavery in our own dominions, or in the colonies of European powers?—not governments—nor politicians—nor planters—nor philosophy—simply, this irresistible power. And why has it had no influence upon slavery in the Southern States? Because it could not reach them. An able Northern writer, arguing against secession, after describing all that the Union had done for the South, remarks: “And it has shielded their peculiar institution from the hatred and hostility of the civilized world.” This is the truth—the Union has been the shield of slavery. It has been sheltered under the wing of the American Eagle. Dissolve the Union—and it must stand out unshielded, uncloaked, in the light of open day. When thus placed face to face with public opinion who will doubt which must ultimately prevail? But by public opinion, we mean no wild excitement, nor rash theories. These are the froth of breaking

waves, not the majestic ocean. We mean that which expresses the united sentiment of the thoughtful and intelligent—that which embodies, not the passions, but the mind, of the enlightened world. Patient—considerate—prepared to weigh difficulties—to provide for consequences—to appreciate rights; but at the same time—firm—irresistible—it will say with unimpassioned, but authoritative voice—The time has come when this old sad blot upon humanity shall stain it no more.

We arrive, then, at these general conclusions—that slavery is less grievous to the black, and more so to the white population than is commonly supposed; that the slavery contests in the United States have not involved a moral question, but simply one of party politics; that slavery is not at issue in the present struggle, the majority in the North being as willing, as the people of the South are resolute, to maintain it; that the restoration of the Union would extinguish all hope of its removal, whilst the formation of a Southern power affords a prospect of its early amendment, and ultimate extinction; and although it has not been a cause of disruption, in the sense of being an object, desired by one section, and denied by the other, still, that in another respect it has been one of its most powerful causes in the enmity created by the agitation to which it has given rise.

CHAPTER V.

CAUSES OF DISRUPTION.—TARIFFS.

THE rebellion of the American colonies against the rule of this country, whatever its real motives, occurred, ostensibly, on a question of duties. Thirty years ago, the disruption of the Union, unless it had been maintained by force, would have resulted from a tariff, but for concessions made at the last moment, which averted the event. With these facts in recollection, we shall be disposed to attach very serious importance to this subject. Of all the causes of the convulsion, it has probably had the greatest weight upon the mind of the Southern people, although the other causes we have considered have had much more influence in exciting their feelings.

The following clauses of the Constitution bear upon this subject. Section 8, Art. 1, provides that "all duties, imports, and excises shall be uniform throughout the United States." Section 9, Art. 5, ordains that "No tax, or duty, shall be laid upon articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State, over those of

another.” Here it is plainly the object to forbid any course of legislation by means of which a preferential advantage might be given to any section of the country. The obvious spirit of these clauses, is not so much that duties should be uniform in rate, but uniform in effect—that their incidence should bear evenly upon all. It would be idle to dispute that it was intended to prohibit preference to interests, as well as preference to ports. The denial of power to levy an export duty clearly proves this.

At the period when the Constitution was framed, the whole of the States were agricultural, and imported manufactures. Duties levied on imports affected, therefore, all alike. But their position was very different in the direction of export trade. As a natural result of such great diversity of climate and soil, their products, instead of being common to all, were special, and peculiar to certain districts. An export duty upon any article, would have affected the section of the country which produced that commodity, to the exemption of the rest. Thus, if levied upon rice, it would have been a special tax on South Carolina; or if upon tobacco, Virginia would have borne the burthen. Nothing can be clearer than the principle of the Constitution on this point, that all duties shall be so imposed as to affect the respective States equally; that “preference” of any kind should be avoided; and that where the imposition of a duty, as upon exports, would of

necessity be unequal in its effect, the power to impose it under any circumstances should be absolutely, and for ever, barred out. We shall see the respect with which these principles of the Constitution have been treated, and the justice with which they have been carried out.

For many years agriculture continued to be the common interest of all the States, and the earlier tariffs are moderate in the extreme. The prevailing rule was a duty on manufactured goods of 5 to 7½ per cent.; the first duty, for instance, on iron, being 5 per cent., a trifle that would hardly be visible to the eye of the Pennsylvanian monopolist of the present day. But the war with this country in 1813 greatly altered the industrial position of the respective States. During its continuance it was impossible to obtain supplies of manufactured goods, for we not only ceased to supply them, but the blockade of the ports which we instituted prevented their access from other countries. This led to a large extension of home manufactures, previously confined, in the main, to the coarser and less valuable class of articles. But this new direction, taken by the industry of the country, was not common to the whole of the States. The Northern States not only took the lead in it, but it became, in their hands, a virtual monopoly. Their climate, coal, free labour, water-power, and, beyond even these, the energy and inventive genius of the race, formed a combination of the elements of manufacturing power, with

which, in the South, it was impossible to contend. There was neither the ability, nor the desire to do so. Hence there came to be two distinct interests, manufacturing and agricultural—by no means naturally antagonistic; on the contrary, capable of existing harmoniously, to great mutual advantage. That such should be their relation to each other simply required that the obvious principles of the Constitution should be maintained. The injustice of the Northern monopolists has turned them into bitter opponents.

The return of peace brought the inevitable result of abundant supplies, which poured in with all the force of previous accumulation. Distress followed to the new manufacturing interests, as yet feeble and ill-developed, and there was an apprehension that they would be altogether annihilated. A natural desire existed on all sides to avert this extreme. Under the circumstances of the case, it would be difficult to show that a moderate degree of protection was not fairly permissible, as calculated to produce advantage to the Union as a whole. This view was taken, indeed, by the Southern States. It was generally admitted that the moderate yet important protection which accrued as a natural incident of revenue duties, was beneficial to the country. Nor was there wanting a disposition to go cheerfully beyond this. Calhoun, the ablest statesman of the South, was in favour of a moderate degree of protection, for its own sake. He held that the

special disadvantage endured by the Southern States was counterbalanced by the benefit they enjoyed in sharing the national prosperity. At that period the theory of protection was accepted in all countries, and the belief was universal, that the supremacy of this country in manufactures had resulted from it. There was a natural desire that the country should be freed from the entire dependence on foreign imports, in which it had previously stood; and we find that the South has in no instance objected to a moderate degree of protection, or scrutinized the tariffs narrowly. The objection has been raised against the excess and abuse which soon came into existence. We cannot find that the Southern States in any of the tariff contests commenced their opposition until the system had really degenerated, into the gross favoritism of small, but politically powerful interests at their expense.

The system, once introduced, soon yielded its natural results. Monopoly is one of those good things, of which he who has an inch soon wants an ell. The protectionist of early days was not long in expanding his views, and increasing his demands. And although the evils we have described were far from reaching their present dimensions, still excess in all things, exaggeration, and idolatry of self, were already becoming prominent features of character. When growing general in other directions, they were little likely to be absent, where they coincided with personal

advantage. The idea of a moderate system, generally beneficial to the industry of the country, without grievous hardship to any particular class, became altered into the reality of corrupt political bargains between special interests, to impose heavy taxation on all others, for their own profit.

The first contest of serious importance occurred in the year 1823. The duties imposed by the tariff of 1816 were highly protective, and under them the manufacturing interest had made great progress, and acquired considerable political strength. Instead of being contented with the advantages thus conferred, the first manifestation of this power was to demand still more protection. Accordingly, in the session of 1823, a large increase was proposed to many of the existing duties, and proposed in such manner that none could fail to discern the real object. The people of the South became reluctant to submit to the exaggeration of a system, which was assuming the reality of a tribute, to be paid by them for the benefit of the North. They resisted this increase of the duties, strenuously, but it was carried against them, though by bare majorities,—of 107 to 102 in the House of Representatives, and 25 to 21 in the Senate. It would have been impossible to carry it, but for an alliance of interests, on the “log-rolling” principle; such as we shall recognize when we come to the Morrill tariff. A presidential election was impending, and the interests of the general community, or the

principles of the Constitution, were equally disregarded in pursuit of party objects.

The political jobbery by which the measure was carried, was well known to all parties : such things are not secret in America. It was well known to the South, and did not tend to allay the general apprehension which now existed there, that step by step the system had stealthily grown up, until it had become a great political power, invariably to be exerted against their interests, and pushed to an extreme of gross injustice. In 1828, another struggle occurred, the effects of which have never been effaced. The interest now soliciting further protection was the manufacture of textile fabrics ; but in order to obtain support against a strong opposition, other articles were admitted—the hemp of Kentucky, the lead of Missouri ; so that it became a general bounty, to be paid by the agricultural interest, to the benefit of the manufacturers and their allies. On this occasion, in the debate in the House of Representatives, the opinions, and strong feeling of the people of the South, were expressed in the following terms, not a little remarkable in their prophetic allusion to an event occurring at the present day : “ If the union of these States shall ever be severed, and their liberties subverted, the historian who records those disasters will have to ascribe them to measures of this description. I do sincerely believe that neither this government, nor any free government, can exist for a quarter of a century

Wm. C. Duffie
1607 N. E.
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under such a system of legislation. Its inevitable tendency is to corrupt, not only the public functionaries, but all those portions of the Union, and classes of society, who have an interest, real or imaginary, in the bounties it provides, by taxing other nations and other classes. ^{x x x}It brings ambition, and avarice, and wealth, into a combination [^]it is fearful to contemplate, because it is impossible to resist."

The truth of these words few will deny. It is now more than thirty years since they were uttered, during all which time this system has continued. The full term of a "quarter of a century" has therefore run out. In this contest of 1828, a prominent part was taken; indeed, the plan of the campaign was devised, by the State of Pennsylvania. We shall find the same State taking an equally distinguished lead on the present occasion. What her selfishness can be, and what is her sense of justice, the world knows already, in the wide association of her name with that of repudiation. In the Morrill tariff, we shall also find a rare specimen of her legislative ability.

The tariff came again under revision in 1832. On this occasion, in consequence of the excessive duties having produced a surplus of income, it was necessary to reduce them. It was now the object of the monopolists to contrive the reductions, so as not to diminish the bounties on manufactures. The injustice of this was so obvious that an arduous struggle ensued, the South contending

that the relief should be evenly distributed so as to affect all alike. The views entertained there were expressed by Mr. Hayne, of South Carolina, in the following words: "I call upon gentlemen on the other side of the House to meet us in the true spirit of conciliation and concession. Remove, I earnestly beseech you, from among us, this never-failing source of contention. Dry up, at its source, this fountain of the waters of bitterness. Restore that harmony which has been disturbed, that mutual affection and confidence which have been impaired. And it is in your power to do it this day, by doing equal justice to all. And be assured that he to whom the country shall be indebted for this blessing, will be considered as the second founder of the republic. He will be regarded in all aftertimes as the ministering spirit, visiting the troubled waters of our political dissensions, and restoring to the element its healing virtue." But what effect could such appeals have on a majority impelled by mercenary interests? The act passed, in all its injustice, to be followed by consequences little foreseen.

Throughout the whole of the South this tariff was regarded with indignation; and this, in the State of South Carolina, found a vent in very determined measures. A convention was called by her people, which proceeded to pass an ordinance, declaring the tariff null and void, on the ground that Congress "had exceeded its just powers under the Constitution, which confers on

it no authority to afford such protection ; and had violated the true meaning and intent of the Constitution, which provides for equality in imposing the burthens of taxation upon the several States.” It happened that at this critical period, the presidential chair was occupied by a man of great natural vigour and resolution—Jackson, who throughout the danger displayed sound judgment. The tariff had been passed in opposition to his views, being himself a Southerner. Whilst he at once condemned, in able terms, the conduct of the State, he at the same time introduced into Congress a bill to remove the grievance. This bill slumbered in the house for some time ; but at length news arrived that South Carolina was arming her militia, and preparing for defence. On this a measure was introduced by Mr. Clay, and pushed through with unprecedented rapidity, by an evasion of the rules. It effected a large though gradual reduction of the duties upon manufactures ; and by this concession the danger was averted. South Carolina was satisfied with it, and the crisis passed away.

That the State was right, so far as justice is concerned, few will now deny. It is admitted by the ablest Northern writers of the present day. Indeed, the injustice of the duties imposed was subsequently proved in a remarkable manner ; for, even at the reduced rates, they still produced an excess of income, and led to a surfeit of the treasury, which became a perplexing difficulty.

2. But although right in her arguments, the line of action adopted was quite indefensible. To declare a law of the government void, and yet remain under that government and accept its benefits, is plainly opposed to reason. Assuming the law to be unconstitutional, there was the redress of the Supreme Court. Secession stands upon very different grounds. It is the act of a State in its sovereign capacity, of a nature beyond the competence of that tribunal. It may be grounded in geographical reasons, or other motives, which laws cannot cure. There is also much in the Constitution that forbids the violation of laws, but there is nothing in it, as we shall find, that forbids a State to retire from its connection with those laws altogether.

The terms of this last tariff of 1833 were understood on all sides to be a final settlement of the question. Under its provisions the high duties on manufactures slowly but surely decreased. At length the period arrived when the full benefit of these reductions should be enjoyed by the South. In the interval, however, a concession had been made, which greatly reduced the income arising from the sale of public lands, the only source of federal revenue apart from customs duties. The expenditure of the government had also largely increased; and thus in 1842, the impoverished condition of the treasury afforded a pretext to repudiate the settlement, and again to advance the duties on manufactures.

From that day to this, the fiscal system of the United States has been continuously protective, to the profit of Northern manufacturers, at the cost of the Southern agriculturalist. The subject has been frequently overwhelmed, by the more exciting party topic of slavery, but it has never been absent from the Southern mind. To estimate its real weight, it is necessary to consider, that it was no question of wise or unwise legislation—no mere matter of opinion. The Southern States entered into the Union, as sovereign, independent powers, under a compact the clear spirit of which is, as we have seen, to forbid preference in fiscal regulations, to any one, over the rest. That compact expressly declares it to be one of its objects, to insure justice. In the face of this they find themselves enthralled, in industrial subjection, to others of the original parties to the compact.

It is true, it has always been attempted to disguise the real fact, under the allegation that the duties were imposed for purposes of revenue. This could deceive no one. A revenue tariff will place duties on tea, coffee, and other articles, not absolutely necessities of life, but of large consumption—such as will yield an important sum, at a rate hardly perceptible to the consumer. A protective tariff will select, for the imposition of duties, those articles it may be desired to foster at home. The true object of all the American tariffs, since 1816, is so apparent to any observer, ever so moderately conversant with these subjects, that it excites sur-

prise, that the attempt should ever have been made to dispute it.

It must be observed that protection, as a principle, is not altogether confined to Northern interests. The duty on sugar has been maintained at a point higher, undoubtedly, than would have been fixed, but for the interests of Louisiana in that article. The truth is, as Benton clearly shows, that, it being impossible to overthrow the system, any interest in the South, that could be benefited by it, naturally came under its wing. The fact has no effect upon the argument. That certain districts of the South have been willing to profit by it, does not alter the fact, that to the great majority of the Southern people—including the entire cotton trade—it has been wholly injurious; nor can it be doubted, that the Southern interests which are protected, would have yielded at once to the views of the great majority, had it been possible to terminate a system, so prejudicial to the South as a whole.

This system of protecting Northern manufactures, has an injurious influence, beyond the effect immediately apparent. It is doubly injurious to the Southern States, in raising what they have to buy, and lowering what they have to sell. They are the exporters of the Union, and require that other countries shall take their productions. But other countries will have difficulty in taking them, unless permitted to pay for them in the commodities, which are their only means of payment.

They are willing to receive cotton, and to pay for it in iron, earthenware, woollens. But if by extravagant duties, these be prohibited from entering the Union, or greatly restricted, the effect must needs be, to restrict the power to buy the products of the South. Our imports of Southern productions, have nearly reached thirty millions sterling a year. Suppose the North to succeed in the object of its desire, and to exclude our manufactures altogether, with what are we to pay? It is plainly impossible for any country to export largely, unless it be willing also, to import largely. Should the Union be restored, and its commerce be conducted under the present tariff, the balance of trade against us must become so great, as either to derange our monetary system, or compel us to restrict our purchases from those, who practically exclude other payment than gold. With the rate of exchange constantly depressed, the South would receive an actual money payment, much below the current value of its products. We should be driven to other markets for our supplies, and thus the exclusion of our manufactures by the North, would result in a compulsory exclusion, on our part, of the products of the South.

This is a consideration of no importance to the Northern manufacturer, whose only thought is the immediate profit he may obtain, by shutting out competition. It may be, however, of very extreme importance to others—to those who have products they are anxious to sell to us, who are desirous to

receive in payment, the very goods we wish to dispose of, and yet are debarred from this. Is there not something of the nature of commercial slavery, in the fetters of a system that prevents it? If we consider the terms of the compact, and the gigantic magnitude of the Southern trade, it becomes amazing, that even the attempt should be made, to deal with it in such a manner as this.

As the Morrill tariff illustrates, in a striking manner, many of the views expressed, and has hardly been analysed as its merits deserve, it may be well to look a little closely, into this latest specimen of American legislation. The effect of doing so, will be astonishment that such a law could be passed, at the present day. The outrageous amount of the duties imposed on articles of prime importance, at a time, when all other civilized countries are reducing duties, and removing impediments to trade, will not excite more surprise, than the blunders, the petty favouritism, the absence of all rule or system, the want of all legislative capacity, which it displays. It would be difficult to contrive more ingenious machinery, for dealing injustice, restricting commerce, perplexing merchants, creating disputes, inviting chicanery, or driving officers of the customs to despair.

A specific duty has the advantage of being definite, simple, and free from risk of fraud; but as prices fluctuate, it may become much more light or onerous, in relation to the cost of the article,

than it was designed to be. An ad valorem duty escapes this evil, but is without those advantages. To attach to one article two duties, one on the specific, and the other on the ad valorem principle, is a contrivance by which to obtain the evils of both, with the advantages of neither. It is incredible, that any one reflecting on the subject, could fail to see the impolicy of imposing the two, on the same article; yet the Morrill tariff does this, not in a few instances, but generally throughout the range of manufactured goods.

A piece of printed cotton, is charged with duty after this manner. First, it is necessary to count the number of threads in a square inch; if 140, the duty may be two cents per yard; if 141, half as much more will have to be paid. The hundred and fortieth part of an inch seems rather thin ground, on which to increase a duty fifty per cent. Secondly, the weight must be taken; for if over five ounces to the square yard, the rate of duty will be doubled. Thirdly, it must be discovered whether it has been bleached; if so, that will require an extra duty. Fourthly, if printed, painted, coloured, or stained, there will be another additional duty. Fifthly, it must be valued; for if worth 16 cents per yard, the duty must be paid on a principle, different altogether. Now, as it is requisite to count the threads, weigh the substance, measure the length, ascertain the value, investigate the manufacture, and contemplate the appearance, of this article of commerce, it seems rather difficult

to imagine how the skein of confusion, not to say of absurdity, could be further entangled by mortal men.

This strange system is by no means confined to cotton goods; it runs throughout woollen manufactures, carpets, glass ware, and other interests of the largest importance; as if, indeed, first to deal a fatal blow, by the excessive rates of the duties, and then to strangle, with their complexities. And there is no rule laid down, that is not violated at once; for instance, it is a rule to admit raw materials, duty free, but hemp, jute, and other articles of that class—pure raw materials—are heavily charged with duty, in order to please a powerful State that grows hemp. It is the rule to charge heavily all manufactured goods; and so rigid is this, that whilst Burr stones are free, they are subject to 20 per cent, if bound together. Here is a clear, intelligible rule; but no sooner is it fixed in the mind than we find it deviated from. Paper is under a prohibitory duty of 30 per cent, but sheathing paper pays only 10 per cent, for the special advantage of the shipowner. Machinery is very heavily taxed; but if it be for the manufacture of linens, it is duty free—to favour, as before, the hemp interest. Soda, and its salts, pay 20 per cent; but soda ash, a very important article, is admitted without duty, no doubt for the convenience of the glass makers. Clocks and timepieces, pay 30 per cent, to please the Connecticut clockmakers; but a chronometer, the highest

description of a clock, pays only 10 per cent, for the shipowner is again to be remembered. Bituminous coal, pays twice the duty imposed on other coal. It is difficult to discover why this should be so, unless for the same reason, which has ordained that prunes pay twice as much as plums. There is a well-known class of coal in this country, "free-burning" or semi-bituminous, what rate of duty will this pay? It appears, also, that duties on coal, are to be paid by the "ton of 28 bushels of 80 lb. each," which seems an unhappy conflict of the principles of weight and measure. Lastly, if the coals be very small, they will be charged with duty upon a principle, different altogether.

As, however, it is well known that this tariff was an electioneering bribe to the State of Pennsylvania, its real nature will most clearly be seen, by taking iron, the article which is the special interest of that State. The duty imposed on pig iron, is six dollars, or twenty-five shillings per ton. The value of Scotch pig iron, the description chiefly imported, was, at the date of passing the Act, fifty shillings per ton, in the Clyde. Hence the duty imposed, is at the modest rate of 50 per cent. But this is not all the protection obtained. The ordinary freight from Glasgow to New York, is twenty-five shillings per ton; so that ^{to 11/6} the actual protection thus enforced on pig iron, is a hundred per cent. Bar iron has to sustain a duty of fifteen to twenty dollars, the lowest rate

being £3 2 6 per ton. Its value at the time, was £5 per ton, at Cardiff, thus bringing the duty to $62\frac{1}{2}$ per cent. When to this we add the ordinary cost of transport, the protection enforced against this great staple of our exports, will amount to 85 to 90 per cent.

Iron has been largely exported to the United States, in the form of sheets. The lowest rate of duty now imposed on sheet iron, will amount to 50 per cent on its value. In the adjustment of the duties on this article, there are some very remarkable contrivances. "Smooth or polished" sheet iron, is to be charged twice the duty levied on "common or black." Now most of that which is exported to America, is not rolled in single sheets, but two or more together. These, when rolled, are separated, or dragged, from their adherence to each other. The outer surface, which has been in contact with the rolls, is "smooth or polished," but the other side, forcibly detached from its fellow, is rough, and discoloured with black streaks. Hence, when the rough side of the sheet happens to come uppermost, it will pass the Custom House at the low duty; but if by chance the smooth side should unfortunately present itself, then the rate will be doubled.

Again, the duty advances as the sheets are thinner; a thickness of 26 guage is to pay twenty shillings per ton more duty, than one of 25. The difference between these dimensions

is too minute, to be appreciable by the eye, and is ascertained by applying an instrument. But sheet iron cannot be manufactured, in rolls that are parallel planes; in practice, their surfaces must be slightly concave. This of necessity will produce a slight difference of thickness, in different parts of the sheet. And thus upon the chance of the part of the edge, to which the gauge may be applied, it will depend whether the importer have to pay an additional duty, much exceeding in amount, the whole of his usual profit. We have observed that the duty advances, as the sheet becomes thinner; but, strange to say, the thinnest of all, produced occasionally as thin as the two-hundredth part of an inch, these escape altogether from the list,—to appear in another schedule, under the trivial duty of 10 per cent. It happens that these are not produced in America; and although the highest form of manufacture, the iron-master there, who frames the law, is quite indifferent, wherever there be no competition with his own trade.

Is it on such principles as these, that laws are to be framed for the commercial rule of a great empire? Is it seemly, that the intelligence of the age, enlightened by ample experience, should be thus affronted, by committing the duties of the statesman into the hands of self-interest, and sacrificing the welfare of a great community, and that of other countries, to the caprice of party, the incompetence of novices, or the selfishness of

any clique, powerful enough to be worth bribing, by submission to a measure such as this?

For the spirit of this tariff, it is not difficult to account; but it seems necessary to inquire, what will explain the blunders with which it is replete, and the absence of all judgment or ordinary intelligence, in framing a law so important and critical. It will not require to go far, to see why this should be so. In this country, legislation on important subjects, is preceded by diligent inquiries of a Committee of the House of Commons, who patiently take down evidence, and collect facts. In other words, legislation is based upon knowledge. In France, when the late treaty was under consideration, all present at the meetings of the "Conseil Supérieur," were impressed with the admirable care taken, to bring together the knowledge of those versed in each subject; to accumulate the materials, that might afterwards be weighed, and balanced, in order to the formation of sound judgment. Let us contrast with either of these, the mode of passing a bill of this difficult and important nature, in the United States.

The title of the Morrill tariff commences, "An Act, to provide for the payment of outstanding treasury notes, to authorize a loan," &c., &c. How come matters, so entirely distinct, to be mixed with the details of a tariff, of necessity complex enough when alone? Because the bill is a specimen of that original species of American legisla-

tion known as “log-rolling.” The meaning of the phrase is this,—“You, help to roll my log, and I’ll help to roll yours.” When two logs are put into one bill, there are, at once, two classes interested in its success. Each may, and frequently does, exceedingly dislike his friend’s log; but this is a tame feeling, as compared with interest in his own. The one, is a question of his own private advantage, whilst the other, concerns nothing beyond the mere public. There is, however, a difficulty in the way of this contrivance, if too much time be afforded. Some one who is not of the compact, may be officious enough to separate the logs; or their united strength may be doubtful against a strong opposition, if there be time for thorough investigation. It follows that a “log-rolling” bill, has many more chances of getting through, by “rushing” it. This means, to keep it back till the last few days of the session, and then, amidst a crowd of other measures, by dint of vehemence, under cover of confusion, and with the powerful aid of the “lobby,” to rush it through. This bill was rushed. Its fate was very doubtful; there was a very strong opposition. But there was the other log in it. If rejected, it was now too late to bring in a fresh measure, to provide for the treasury notes, and the loan, and thus many were driven to support it, in order to avert the injury of stopping the wheels of government. Under such a system, any consultation with practical, or commercial men, any thoughtful consideration of the

vast interests affected—these things were out of place. None were more amazed, or so thoroughly dismayed, at the passing of the Act, as the merchants of New York; none were more incredulous, than the Americans residing in London and Liverpool, most of whom, scouted the idea of such a measure being inflicted on the community. Is it wonderful, that the people of the South should object, to be governed after this manner?

This tariff, indeed, has not been defended in this country—that could hardly be attempted; it has been excused, on the plea that it could only be regarded as an act of eccentric fatuity, and that it would be rectified, immediately upon Congress assembling again. Congress has assembled, and has added to the measure, but in the opposite direction—by rendering it more restrictive and protective than before. Here, then, we have the most modern specimen of American legislation, and a complete illustration of some of the results of those institutions. What conviction forces itself upon the mind? We are considering what the Union really is—its intrinsic, not its reputed value. These are some of its fruits. Strong evidence it is, to what extent eighty years of its working, have debilitated legislative talent. What a declension is here from the capacity and from the justice of Washington's age! It is plainly apparent, that the institutions of the Union, have either extinguished political ability and

judgment, or banished them from the government, delivering up the destinies of a magnificent empire into the hands of those, whose inexperience, incapacity, and self-seeking, are displayed in legislation such as this.

An American writer, in extenuation of the Northern party, has recently offered another excuse. Admitting, as he does, that the affair was a bribe, given to induce the State of Pennsylvania to change sides, he allows for it, on the ground that New England and New York, when they agreed to give the bribe, did not expect they would have to make the payment. They had not calculated on the Southern members being absent, and that this would enable the measure to pass. It was intended, therefore, both to bribe the State, and cajole it—to obtain the benefit, and escape the payment. We cannot see that this improves the affair. The State sold herself, and changed sides, and had a fair right to her price. When a bargain is based upon injustice to others, it does not seem to mend it, that the parties to it, should hope to delude each other. When making this arrangement, we are not told, how much thought was bestowed upon the interests of the South—the intended victims—or whether much was given, to hundreds of manufacturers in this country, whose accustomed industry was to be paralyzed.

There are those who have argued, that, admitting all the follies of the measure, it could not have caused or influenced secession, inasmuch

as the movement of the cotton States had already occurred. But the border States were wavering in indecision, at the moment selected for this measure—selected by those, who ought to have been well aware of the protests of the South, of the pretext for their own revolution, and of the nullification within their own remembrance. The cotton States had indeed seceded previously ; but why? Because, as we have seen, political power had passed into the hands of the North, and they anticipated from the change, an utter disregard of their interests, and a course of policy opposed to the spirit of the Constitution, and to their rights under it. Was it possible to offer to the world, more prompt or convincing proof, than this tariff affords, that their apprehensions were well founded ?

The leading supporters of the Union, bring forward another argument. They say, granted all this, still the tariff question was no sufficient ground for breaking up the Union. No one appears to have made the assertion thus disputed. Revolutions are never the result of mercantile calculations alone. Material interests may be sacrificed, for very long periods, without provoking them, but all that time, the electric fluid will have been accumulating, though it seems to be generated at the instant of discharge. This is but one of the alleged grievances of the South, and of all the least exciting, for questions of political economy, address themselves to the reason—

those which arouse the passions, make revolutions.

Yet though, perhaps, the least active agent in causing the disruption, it seems,—taking it alone,—quite as sufficient, as that which produced the revolt of the colonies from this country. Here is a course of preferential and unjust taxation, persevered in, and that on a great scale, for thirty years, against reiterated protests. On that occasion, there was a duty of threepence per pound on tea,—trivial in amount,—and imposed for the profit of no special class, but for the general good. Nor was it imposed for remote objects, but to defray in part the expenses of a war entirely American, which had resulted to the benefit of the colonies, in the conquest of Canada, and left over, a debt not justly chargeable to the British taxpayer alone. When that trifling duty is contrasted, with the history we have narrated of the tariff question, it would seem as if, in this subject alone, the South had graver justification, than that which is held to have warranted the first revolution.

To this it will be replied, that the duty on tea—in itself a small matter—embodied a great principle—“Taxation without representation.” In passing the Morrill tariff, there was taxation, in the absence of representation. But passing that point, and fully admitting the principle announced, we think another may be found as great,—the principle of justice. Taxation without representation, was held to violate the British Consti-

tution, although great cities in England were so taxed. Is it not a violation of the American Constitution, so to impose taxation, that it shall benefit one portion of the Union, at the expense of the other? The people of the South appear to have the same cause, as regards the fact, to an infinitely greater degree; and as regards the principle, they seem to have one above any theoretical deductions—a principle—embodied in a compact legible by all, and acknowledged by men, where no Constitutions exist—the principle of justice.

A tariff question may appear to be one, unlikely to be mingled with any kind of sentiment. Between two sections of a community equally prosperous, this would be the case. But circumstances may exist, that will render it a source of strong feeling also. Senator Benton remarks on the tariff of 1828: "The South believed itself impoverished to enrich the North, by this system; and certainly, an unexpected result had been seen in these two sections. In the colonial state, the Southern were the richer part of the colonies, and they expected to do well in a state of independence. But in the first half century after independence, this expectation was reversed. The wealth of the North was enormously aggrandized; that of the South had declined. Northern towns had become great cities, Southern cities had decayed, or become stationary; and Charleston, the principal port of the South, was less considerable than before the revolution. The North

become a money-lender to the South, and Southern citizens made pilgrimages to Northern cities to raise money upon their patrimonial estates. The Southern States attributed this result to the action of the Federal Government—its double action of levying revenue upon the industry of one section of the Union, and expending it in another,—and especially to its protective tariffs.” In truth, the view common in the Southern States, is, that the South has been used as a tributary, drained for the benefit of the North. To some extent, though by no means to the extent they imagine, this has really been the case. The same belief exists quietly, too, in the North, and possibly may be one element in the intense desire of New York to retain the connection. In a community entirely mercantile, it is probable that, at the root of such a sentiment, there will be found some conception of profit.

Now, it cannot be without some sensibility, that the Southerner of the older States will look upon the seats of its former gentry now mouldering in decay, and grown with weeds. And when laws are imposed upon him, manifestly unjust, which in his judgment are calculated to bring about such results as he beholds, a sense of wrong will be embittered by feelings of humiliated pride, and of regret for the fallen importance of his State. This feeling of attachment to his own State is peculiarly strong in the older portions of the South. The Union is an epithet, an abstraction,

the State is a reality before him. He drew his breath upon its soil,—he has played upon its shores,—he has rambled in its woods,—he has bathed in its streams,—the outline of its mountains is familiar to his mind, as the features of some face engraven in the memories of youth. The Union may be a theme for imagination,—one part of it only can stir his heart. The Scotchman feels pride in the greatness of the British empire, but this is a poor and feeble emotion, to that with which he turns to Scotland. All this may be called local attachment, it may be unconstitutional, it may be unwise, but, after all, it is human nature. And those who pretend to govern great dominions, have not to legislate for men as they would have them to be, but as they are. It is for statesmen to take strong feelings into account, when they know them to exist; and when those feelings are embittered by surrounding circumstances, and are morbid, or excited, be it ever so erroneously, on some special topic, it would at any rate have been well,—when face to face with the gaunt spirit of Revolution,—to have left that subject alone.

* * * *

We have now examined the three principal grievances advanced by the South. They hold that, under a Constitution which prescribes perfect equality, and forbids “preference,” they ought not to be compelled to pay enormous duties on all they require for their industry from abroad, whilst all that is required for its industry by the North

is obtained by it free of duty. They have protested against this for thirty years in vain. They now see that, under the irresistible growth of population in the North, political power has passed from its original tenure, and is gone without hope of return. They feel the bitterness of the gnawing agitation long carried on by the Abolitionists, in plain violation of the spirit of the Constitution. They ask if it be expedient to remain under a bond which it no longer suits the other parties to fulfil. It has been written—"The letter killeth, but the spirit giveth life:" they feel that this spirit which giveth life has long passed away, whilst the letter remains, and kills them. The objects of the Union, expressed in the preamble to the Constitution, have not been accomplished. It has not formed "a more perfect union" of interests, or opinions, or affections. All these have grown more and more discordant. It has not maintained justice in matters of commerce; and in those of the law, all that could be done, has been done to degrade it. Whether or not it has "provided for the general welfare" is essentially a question of opinion. In the opinion of the people of the South, it has been made to provide for the welfare of the North, at their expense.

Looking to its continuance, they see themselves consigned to a perpetual minority, in hopeless subserviency to a people whom they neither love nor respect—to those who differ in habits, in social system, in interests, in tastes. They might resign

themselves to be incorporated, to melt into one ; but here the vast extent of the country, and the radical differences of temperament and polity, present insuperable obstacles. Nature has forbidden the union which politicians have ordained. They might resolve to lean on hope in the future, but they see that the action of time, and the growth of numbers, have aggravated every evil ; and they foresee that the operation of these causes in the future, will only add to this result. They might accept the provisions of the Constitution for its own amendment. But what amendment of laws can cure an evil really geographical ? No code that man can devise will assimilate the citizen of Louisiana, or of Georgia, with the New Englander. This is an evil beyond the powers of legislation to probe, or the decisions of the Supreme Court to remedy, and it is the very root of the disease.

To the Southerner, the Union appears an artificial arrangement, wise at the time of its formation—rendered injurious now by the progress of events. All the separate States have outgrown their original Constitutions, and have altered them. What has happened to each, individually, has happened to the whole, collectively. Is it true, as some have asserted, that there is something “ sacred ” in the Union, that forbids the approach of human judgment ? We have seen, by ample evidence, something of its practical working. There is, indeed, one union that is sacred amongst men—that of marriage. But in most of the

States this bond is readily discarded, and divorce obtained, with a levity surprising to Europeans. And when the most solemn act of union, by which man can be bound, is trifled with thus, what sanctity can there be that forbids the divorce of a political union, were there even no other ground for it than incompatibility of temper?

To all this, it is replied, that the people of the South entered irrevocably into the Federal compact, and must remain fast bound by it. This raises the question whether secession can really be effected, without violating constitutional principles. This is one which cannot be omitted, when we are estimating the value of the Union. If this right do exist, or cannot be disproved, is there any means by which to counterbalance so dangerous a principle, should the Union be restored? Let us endeavour to discover what amount of truth there may be in the assertion that secession does not violate the Constitution.

CHAPTER VI.

IS SECESSION A CONSTITUTIONAL RIGHT?

It is the main position of those who deny the claim of the Southern States to form a government of their own, that they are bound fast by the Constitution. On the other hand, able men assert that secession is no violation of its terms. An inquiry into the subject may now appear late in the day, for the onward tide of events has swept beyond this margin of debateable ground. When secession or revolution has ripened into civil war, it may appear of little value to seek whether there were clauses in the Federal compact that should have prevented this. But there is really a future and permanent interest in the question. A strenuous effort is now in progress to maintain or restore the Union; and Mr. Seward, the prime minister of the Northern Government, asserts, that after rebellion is crushed, it will stand forth "unchanged and unchangeable." If so, the elements that now exist will continue—the rights, or imagined rights, that have proved so disastrous in their consequences at the present time. If secession be a right derivable from the Constitution by

calm, logical reasoning, it will so remain; and all know that a right, real or ideal, has a peculiar tenacity of life. Not seldom we witness men who pass a long life in the pursuit of some legal right, which, when delusive, is not the less powerful in its hold upon the mind. The pertinacity of great communities is not likely to be less enduring. Though the present assertion of the doctrine should be trampled down, nothing will extinguish the belief, if founded in truth and on grounds that continue in existence. There appear to be two ways in which this insidious danger may be obviated; but before considering them, we must endeavour to determine whether the asserted right be a truth or a delusion.

The inquiry is one of some difficulty, for the Constitution of the United States ordains the most complex system of government ever in operation on a large scale. But an obstacle, really as formidable, exists in the fact that the mind of most inquirers is preoccupied with an opinion. They sit down to the evidence, having first arrived at a verdict. So far as general observation extends, we behold a single people, under a single government, one in all their relations with ourselves, acting, indeed, with extreme unanimity on all questions of public policy. The visitor to the Union observes no evidence of separate States or sovereignties. He passes through the whole country without seeing toll or barrier. He traverses a vast dominion peopled by men of remarkable uniformity

in language and appearance. All seem to be impelled by the same motives, to move at a pace equally rapid, and in some respects to be more thoroughly assimilated than the inhabitants of the smallest countries of Europe. Hence arises a general impression, that the people of the United States are a single political community. Indeed, so obvious does this appear, as almost to excite impatience as if it were absurd, when we are told that, in a constitutional sense, they are distinct sovereign States—thirty-four in number, and that many of them possess more inherent power than the Federal Government which appears to be so supreme.

But we shall at once perceive that this outward appearance may be somewhat deceptive when we find that men of the highest ability, free from any imaginable bias, express such opinions as De Tocqueville, who observes: "The Union was formed by the voluntary agreement of the States; and in uniting together, they have not forfeited their nationality, nor have they been reduced to the condition of one and the same people. If one of the States choose to withdraw from the compact, it would be difficult to disprove its right of doing so, and the Federal Government would have no means of maintaining its claims directly, either by force or right." And the condition of facts thus described, has not apparently altered, for one of the most recent authorities, Dr. Mackay, tells us: "The Federal Government exists on sufferance

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only. Any State may, at any time, constitutionally withdraw from the Union, and thus virtually dissolve it. It was not certainly created with the idea that the States, or several of them, would desire a *séparation*; but whenever they choose to do it, they have no obstacle in the Constitution." Here, secession is plainly declared a constitutional right, and this, not by excited Southerners, but by impartial men of unquestionable capacity; and we are forced to admit, that the question must be capable of being viewed in this light by sound-judging men, when we find it expressed so decidedly by such authorities.

Let us briefly consider the circumstances under which the Constitution was framed. The revolutionary war was brought to a successful termination, with the assistance of France and Spain, under the control of a government styled the Congress. This was a central body appointed by the States, with very inefficient powers, in which legislative and executive functions were blended, to the detriment of both. Although the early patriotic enthusiasm soon passed away, still so long as the war continued, the pressure of a common danger knit the States together. When peace followed, the necessity for exertion no longer supplied a stimulus; lassitude and indifference crept over the Government; the bands of the Union gradually loosened, and the fabric fell into decay. There were no funds to liquidate the war debt or to afford a provision for the officers

reduced to want ; there was no excitement to keep up the attendance in Congress ; there was no subject on which the States felt any strong and common interest. Conflicting views began to display themselves, feelings of jealousy crept into life, and it grew apparent to thoughtful and patriotic men, that if so unsettled a condition of affairs should long continue, the sword so lately sheathed would be drawn again for the still more melancholy purpose of fraternal war. It was, therefore, resolved that a convention should be called to amend the articles of confederation under which the Union existed.

These "articles of confederation" were similar as a framework of government to the Constitution which followed and continues. The States, retaining each of them its own government for its domestic purposes, deputed to a central body, the Congress, the charge of all those matters of a general nature, which could be regulated best by a common agent. To Congress was accorded the power of declaring war and making peace, of entering into treaties and alliances, of regulating the coinage, of establishing a postage system, of borrowing money, of equipping a navy, and appointing all officers in the Federal service ; and the respective States were forbidden to undertake any of these acts. Congress had also to execute the functions of a court of final appeal in all disputes between the States. It appointed a permanent committee, under a president of its own

selection, and through this committee performed the executive duties of Government.

These articles are entitled "perpetual," and it is enacted in Art. 13, "And the Union shall be perpetual." The general government was also supreme in its own department; for Art. 13 enacts: "Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them." This was clearly a provision necessary to avert confusion, and yet, notwithstanding its terms, we find it expressly declared in Art. 2: "Each State retains its sovereignty, freedom, and independence."

The Convention called for the purpose of amending these Articles, which met at Philadelphia on the 14th May, 1787, was attended by twelve of the thirteen States, one of them, Rhode Island, declining to take part in the proceedings. It was presided over by Washington, and Franklin gave to it the venerable sanction of his presence. It contained the most eminent men of the country, and few political assemblies have ever comprised, within numbers so limited, an equal amount of talent. Delegates were appointed to it by each State, without restriction as to number, but each delegation gave but one vote. Debating the subject as between themselves, the decision of its members finally appeared as the vote of their State. The Convention sat with closed doors; the members were forbidden to take extracts

*no period
here - soon
to the end
Page 336*

from the journals, and were enjoined to absolute secrecy.

The debates were long and arduous, for the difficulties of the subject were all but insuperable. Each State was a sovereign power, and it was the duty of its Commissioners to consult its special interests before any other consideration. And the elements of conflict were numerous, for there were small States confronting the larger—maritime interests competing with agricultural—States exclusively Atlantic against those having Western territory—slave States and those expecting soon to be free ; and on the leading questions these various interests contended, each for itself, with a tenacity proportionate to the critical nature of the decisions to be formed. On more than one occasion, the Convention was on the point of breaking up in despair. Eventually, step by step, the various clauses were arranged by a series of compromises, which have remained the incongruities and bane of the Constitution.

The decisions of the Convention were not to be final or binding upon any State, until ratified by its own people. It was anticipated there would be great difficulty in obtaining these ratifications ; and provision was made that the new Constitution should come into force, limited in operation to themselves, whenever nine of the thirteen States should have ratified it. The people of each State elected a Convention, to which the decision was unreservedly left whether to accept or reject it, so

far as that State was concerned. There was no direct action of the people in the nature of a popular vote; nor were the respective Conventions elected by any uniform or unqualified suffrage. They met at various dates, without any co-operation. Severe contests occurred in many cases. New York ratified by a majority of three only; in Massachusetts the votes were 187 to 168; North Carolina declined to act; Rhode Island continued aloof altogether.

It will be necessary to keep these facts in view, in weighing the arguments of those who deny the right of secession. The whole of them appear to be taken from Webster's speech on the nullification of South Carolina, one of the finest examples of rhetorical power in our language, yet obviously the address of an advocate; singularly forcible in language, not less barren in facts; based on epithets, parts of sentences, informal phrases—these used with consummate ability, as the narrow foundation for so imposing a superstructure of rhetoric, and so sonorous a volume of eloquence as overwhelm the hearer, and sweep the judgment from historical records of undisputed authenticity.

These arguments, whenever used, are accompanied by glowing descriptions of the progress and prosperity of the Union, and by appeals to Nationality. The rapid extension of the United States has produced, of late years, a new school of political belief. Under its influence a wide change has occurred from the views of those who framed

*See
Story's
Commentaries*

*We may all be considered as the children of one
Common Country* * * * *will naturally form a
mutual relation of the parts that may lead to a whole
a more entire independence than has perhaps fallen
to the lot of any other nation.* To compromise them

in order to 206

THE AMERICAN UNION.

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we have been
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the Constitution. There is no longer a citizen of the United States; he has become an American. Intense jealousy of centralized power has changed into admiration of administrative unity, and has even ripened into a craving for "strong government." The words nation and nationality appear almost in every sentence of every argument on this subject, although it is on record that the term "National Government," which appeared in the first draft of the Constitution, was struck out in the Convention, on the ground of its being inapplicable to the facts, and opposed to the intentions of the parties. It is remarkable, too, that this motion was carried unanimously.

Here is at once a remarkable discrepancy between the views of those who framed the Constitution, and the doctrines prevailing at the present day. We shall soon arrive, as in all such cases, at questions of interpretation. Whom are we to take as our guides—the framers of the instrument whose evidence is on record, or those who read it, influenced by the altered feelings of the present day? Mr. Lincoln lately observed that the intention of the lawgiver is the law. If so, we shall be more likely to find what the law really is by studying the intentions of its framers, as expressed in their own words, than through the eloquence, however graceful, of partial advocates of the present period.

It will be necessary to discard from our view all consideration of the prosperity of the United

*"That Every citizen W^d. take pride
in the name of an American
& * * * that we ourselves are a distinct
nation"* *Madison's proposed draft
of Washington's farewell address
W's life 12 392*

"Census by both members of a common
country that country has a right to concentrate
affections. The name of American w^h belongs
to you in p^r national capacity must always
be the just pride of patriotism more than any
IS SECESSION A CONSTITUTIONAL RIGHT? 207

States, from whatever cause arising. Were the
inquiry into the wisdom or expediency of seces-
sion, this would have great weight, but with an
examination of legal right it has no concern.
The descriptions put forward are offered as proof
of possession, and presumptive evidence against
the right asserted. But a person may be in pos-
session of a magnificent estate, enjoying the repu-
tation of owner, endowed by it with wealth and
surrounded with authority; yet when there is
occasion to examine the title deeds, it may be
found that another, remote, unheard of, has just
and legal rights in the property. That distant
man, be he never so poor, must have a hearing.
Questions of right may not be debarred because
they are inconvenient to discuss, or by holding it
absurd to question the title, with him who derives
such wealth and advantages from possession of the
estate.

Secession is by no means a novel doctrine. In
the first session of Congress under the new Consti-
tution, it was threatened in the first serious contest
that arose; and this in the presence of several of
the framers of the Constitution. Again, when
Washington expressed reluctance to be elected as
President for a second term, Jefferson wrote to
urge his assent; and the weightiest reason he
assigned, in proof that the country required ex-
perience at the head of affairs, was this,—that the
coming election would involve great danger of a
"secession from the Union" of those who should

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no such expe
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381.

Jefferson
great fear
was imminent
- he also has
defen appeal
- Union 391

be defeated. It can hardly be supposed that this right would have been openly declared by members of Congress, or that the probability of the event would have been thus urged on Washington, had it been regarded by public opinion as an illegal or treasonable act. It seems rather to be inferred that there existed in the minds of those, who with the facts so recent were most competent to judge, a conviction that the right existed and might be exercised—that able and just government would avoid it—but still that it was there. *L*

The doctrine, indeed, has been maintained and loudly declared, both in the North and South, at frequent periods in the history of the Union. Jefferson, in his *Ana*, refers to that occasion of its being first raised in Congress, and observes that it was the Eastern, that is, the Northern States, who especially threatened to secede. He describes a walk with Hamilton, in which the latter painted pathetically the danger of the secession of their members, and the separation of the States. And the Northern States were the first to raise it practically. The war of 1813 was highly unpopular in that district, and when called upon by the President to supply their quotas of militia, they absolutely declined. In the words of Jefferson to Lafayette: “During that war four of the Eastern States were only attached to the Union, like so many inanimate bodies to living men.” But they went far beyond inaction. They called a Convention at Hartford, of which the proceedings

were suppressed, but the object is well known; a flag appeared with five stripes, secession was threatened in the loudest terms, nor can there be a doubt in the mind of any one who studies the events of that period, that the New England States would have seceded from the Union had the war continued.

The State of Massachusetts has threatened, indeed, on four separate occasions to secede from the Union. First, in the debates referred to on the adjustment of the State debts; secondly, on the purchase of Louisiana and its admission into the Union; thirdly, during the war of 1813; and fourthly, on the annexation of Texas, when, we believe, one chamber of her legislature actually passed a vote of secession. On these occasions it was no mere act of excited individuals, but the general voice of the community. Yet this State is now the loudest in denouncing it, when inconvenient to herself; and a bastille is now said to be preparing in the vicinity of Boston, for the incarceration of those as political prisoners, who simply utter the opinions which, when it suited, this very State has so often and so vehemently expressed.

*The state of
admission
in 1811*

It has been a popular illustration with the advocates of the Union, that if a State may secede, so may a county from a State, or a town from a county, until society break up into chaos. The fallacy of this is very obvious. A State claims to secede in virtue of her right as a sovereignty.

When a county becomes a sovereignty it may prefer an equal claim, but then it cannot be a county. The comparison fails in other respects. The secession of a State from others is the case of men who separate; the secession of a county would be that of a limb torn from the body. There is also no such practical danger as that which has been described. The secession of a single State would be suicidal; it would be surrounded with custom-houses, cramped with restrictions, and crushed under the expenses involved. North Carolina and Rhode Island, after refusing to join the Union, and holding out for more than two years, were at last constrained to accede, by the same causes which will always prevent any State from attempting to stand alone. Practically the right could not be exercised, even if conceded, except by a number of States together, sufficient in resources to enable them to maintain their position, and to endure the heavy cost of a separate government. Indeed, if justly governed, it is by no means clear why there should be any desire to secede.

A much more subtle argument was used by Jefferson, since often repeated. He observed that if one State claimed the right to secede from the rest, the others would have equal right to secede from one State, which would amount to turning it out of the Union. The argument is based on the assumption that a State, claiming the one, and objecting to the other, would exhibit a conflict of principles. But a State would protest against

ejection because it involves compulsion; and she claims a right to retire, because if compelled to remain, that is equally a compulsory restraint. Both really involve the same principle; ejection and imprisonment are equally acts of compulsion: and this principle is alike objected to in both cases.

It has been argued that a State would thus claim the right to exercise her will against the others, whilst denying them the right to use their will as against herself. But the case is not one of will within the limit of individual action, but of compulsion extending to, and exercised over, another. A State compelled to go or to remain has a forcible restraint imposed on its will; but in seceding it imposes no restraint on the will of others—they remain free to follow, or continue as before.

Another illustration frequently used reminds us that the United Kingdom is a Union. It is asked how we should like Ireland to secede. A natural reply would be, that if Ireland were a slave-owning country, we should not only approve of her seceding, but insist upon it. We might first strive to prevail upon her to alter the system; but if that proved impossible, or she refused to comply, there is assuredly no thought of profit or advantage, that would induce this country to maintain such a partnership. If the argument be seriously brought forward, it would appear singular it should not be known that our system differs

from that of the United States, and that rights may exist under the one that are unknown to the other. We have not yet proclaimed the sovereignty of the people in Ireland, or taught that governments rest in the "consent of the governed," and may be abolished when no longer promoting the pursuit of happiness. The systems spring from different roots; and to impute to them similar results is to argue that different trees might bear the same fruit.

Another case has been urged, that of Florida, a district which has proved costly to the Union, from local wars with the Indians, lighthouses, and even the first cost of the soil; on which grounds an appeal is made to a sense of justice. Those who address themselves to a sense of justice are not fortunate in taking Florida as their ground, and seem to have forgotten how the Union abstracted it from Spain. Apart from this, these matters are altogether beside the question of constitutional right. Secession, if lawful, gives no right to lighthouses without paying for them, and the fact of having built lighthouses is no answer to the right of secession. To leave a partnership is one thing; another, to settle accounts with the firm. The impression exists, that the people of the South proposed, from the first, to pay for all Federal property, and sent commissioners to Washington to arrange this. If against the share to be paid to the North, there were placed the amount abstracted by it through its tariffs during

the last thirty-five years, it is not improbable that the South would have money to receive.

It has been urged that reasonable men would not have framed a system exposed to ruin at any time by the secession of its constituents. But the question is not whether the terms of the compact were wise or prudent, but simply what those terms are, and the force they possess. Men make injudicious wills, but these cannot be disputed on the ground of their narrow wisdom. The argument ignores, too, the facts which surrounded the framing of the Constitution. It was the result, as we have seen, of a series of compromises. Hence that which may appear unreasonable for any community to have enacted for itself, is reasonable enough when viewed correctly, as the best system it was possible to compass under the circumstances.

Much stress has been laid on the term "supreme," as applied to the federal laws. In reality their only supremacy is in extent—in extending throughout the whole country, whilst the action of a State law is confined within its boundaries. Apart from this, the State is as supreme as the federal law. No question exists of relative rank, of any superiority; each is supreme in its own department, both are equally powerless beyond it. The federal government has indeed no absolute law-making power; for all its laws are liable to be declared void by the Supreme Court. That court, as we have seen, declared null and void the most important law ever passed by the federal legisla-

ture—the Missouri compromise. It sits not merely as the interpreter, but as the judge of the law.

It has been argued that the present Constitution differs in principle from the Articles of Confederation, in enabling the Federal Government to act directly on individuals, instead of doing so through the State governments. The inference is drawn that the sovereignty of the States has been surrendered by this concession. Had such a right been committed to a foreign Government, or to any substantive power, this might have been a natural inference. But the Federal Government has no substantive power, and is only the joint agent of the States. These act directly on their own citizens, each through its special government or agent, in the great majority of cases. They agree to act on them through the Federal or common agent in certain other specified cases. This is simply a more effective manner of procedure, a question of detail, greatly improving the administration, but affecting in no wise the question of sovereignty. Further, it was pointed out by Madison in the Convention that the principle itself was not new, but existed under the Articles of Confederation, in several cases which he specified.

"a form of Government has been found out which is neither exactly national nor federal"
xx the new union will be broken one day & again with this novel unionism does not yet exist"
Dr. Joseph
1.138

Spent 4 1/2 hrs. in "disproving" and "proving" but self. Dr. J. 1.137

and other countries, is partnership at will; from this any one party may retire without consulting the rest. And it seems to have escaped observation, how much wider are the powers of a sovereign State than those of a private individual. To a partnership of States the words of Madison apply: "When resort can be had to no common superior, the parties to the compact must themselves be the rightful judges, whether the bargain has been pursued or violated."

It has, indeed, been contended that the principles of a partnership at will could not apply, because this was to last for ever. On the point of duration the Constitution is silent, except in what is merely the expression of a desire, in the preamble, "to secure the blessings of liberty to ourselves and our posterity." On this subject there is no enactment or injunction. But on turning to the previous "Articles of Confederation," we find in the title the words "perpetual union," and in the body, the express injunction—"And the union shall be perpetual." On this point they clearly possessed greater force than that of the Constitution; yet, notwithstanding this, they were terminated at the end of a few years, and that, too, with liberty to any State to leave the Federation altogether. The Union has, therefore, proved, by its own act, that terms of this nature have no force of law, but simply indicate the intention and the desire of the parties at the time. We find, too, that the Federal Government

*A confederacy
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But besides this
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was to form
"a more
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entered into a close alliance with France, the terms of which strongly enjoined that it should last for ever; yet these terms were held to be no obstacle to annulling it, without the consent of the other party.

Mr. Sumner
Dec 10
Art 1

On turning to the Constitution, it causes surprise to find that no prohibition of secession exists in it. Those who framed it were men well versed in public affairs, surrounded by angry passions, employed in the very act of breaking up a Constitution, if, indeed, it may not be said, of seceding from one of the States, for Rhode Island continued to adhere to it. They provided for a State dividing into two or more—for several uniting into one—for the admission of States yet to come into existence. Why, then, this remarkable omission? A contingency far more probable than these was that of a State becoming dissatisfied, and desiring to separate. Was such an omission the result of negligence, of inability to foresee so probable an event, or was it the result of design?

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of all.

It has been contended that it would have been improper to forbid a State to withdraw—that it would have been “futile and undignified” to have added to a law, “And be it further enacted that the said law shall not be violated.” But this is just what all law has to do; and that which does it not, is not law. Who had the powers of a law-giver over independent, sovereign States, entering into a compact of their own free will? And where is the law, either to be violated or obeyed?

There is a provision for a State separating into pieces, and this appears quite as undignified as to provide against a State, whole and intact, separating from the rest. There is provision against the treason of individuals ; and if a State can also commit treason, it would be strange law that provided against crime on a small scale, omitting to deal with it when on a large one. The men who framed the Constitution were eminently practical men. It cannot be supposed that they would slight so formidable a danger. Why, then, the omission ? For the soundest and wisest reasons, which we have on record from their own lips.

In the first place, had there been inserted in the Constitution a compulsory clause of this nature, it would have been impossible to obtain the ratification of the States. Very difficult, at the present day, would it be to obtain the assent to such a clause even of the Northern States. Theoretically nothing would be easier, but when it came to the point, it would hardly be possible to prevail upon Massachusetts, even at this day, to abandon, for ever, her often-asserted independence and sovereignty, and accept, in reality and truth, that position in which she is said now to exist—that of the province of a wider power. And if there would now be such practical difficulty, with the State whose present professions are those most favourable to the step, how great would have been the obstacles when all the States were to be included, many hostile to, and jealous of, the rest,

*by making a authority of the Government Supreme
in relation to rights & Powers that might be
submitted to it &c? he made it only by
applying the Legislature to individuals through the
intervention of a Judiciary Court.*

and when the task was regarded, and proved to be, all but impossible, without this further and strong element of repugnance?

In the next place, the framers of the Constitution perceived, that should they forbid the retirement of a State, they must provide means to prevent it; otherwise it would be an idle precept, a mere solicitation to remain. Other questions might be referred to the Supreme Court, but a retiring State withdrew from its jurisdiction. Other forms of delinquency could be visited on individuals, but here was the action of a whole community. Good-will must have died out before it could occur; argument would be vain; there could be no appeal except to force. But no force was to be created, adequate to an undertaking of this nature. The first act under the Constitution for regulating the military establishment, provided for a standing force of only 1,216 rank and file. True, in case of need this might be increased; but a cardinal principle with the people was to distrust standing armies; a subject on which their feeling was jealous in the extreme. It was impracticable to run counter to this, even so far as to provide the framework of an army equal to such an object. The only possible force would be that of the remaining States, to be employed in coercing those that desired to secede. On such a proposition the views of the two chief framers of the Constitution are on record. In the Convention, on the 31st May, 1787, Madison declared that "the use of

at his / Mademoiselle / suggestion a clause in Randolph's
plan authorizing a use of force ag^t a delinquent
member of the confederacy (new) was laid aside
in order that a system might be framed w^h w^d.
under it unnecessary. This c^o. only be done

IS SECESSION A CONSTITUTIONAL RIGHT? 219

force against a State would be more like a declaration of war, than an infliction of punishment, and would probably be considered by the party attacked, as a dissolution of all previous compacts: a union of States containing such an ingredient seemed to provide for its own destruction." Again, on the 8th June, he observed: "Any government formed on the supposed practicability of using force against the unconstitutional proceedings of the States, would prove as visionary and fallacious as the government of Congress."

Hamilton, in that great authority the "Federalist," after showing the futility of employing force against a State, concludes thus: "When the sword is once drawn the passions of men observe no bounds of moderation. The suggestions of wounded pride, the instigations of resentment, would be apt to carry the States against which the arms of the Union were exerted, to any extreme to avenge the affront, or to avoid the disgrace of submission. The first war of this kind would probably terminate in a dissolution of the Union."

In one of the debates in the New York State Convention, Hamilton made use of these words: "To coerce a State would be one of the maddest projects ever devised. No State would ever suffer itself to be used as the instrument of coercing another." His far-seeing description in the "Federalist" is but too applicable to the events of the present day; and remarkable it is that he, the master spirit of the Unionists, should have de-

Center
2. 62

These words
refer entirely
to the old
confederation.
He is speaking
of the difficulty
of pursuing
national
objects without
national
levies.

several of the States under a
confederacy: having refused supplies. & then
he adds "what sin is a sin for this present evil?
Nothing but to enable a national law to operate
on individuals in a same manner as those of a
state do"

Speech Page 26

nounced as "madness" that coercion which is adopted by his followers at the present day.

But there was a consideration of still higher import. The Constitution was a voluntary act, framed on the principles of free, mutual assent, and common belief in its advantages. To introduce force as a means of maintaining it, would be repugnant to these principles. It would be a commencement on the voluntary system, to be continued under compulsion. Force is an attribute of monarchy; the throne represents and wields the strength of the nation. Each part is subservient to the whole, and none can revolt without foreknowledge of this force to encounter and overthrow. But the basis of a Federal Republic is the reverse of all this. It stands upon consent, which is the abnegation of force. In place of the submission of part to the whole, the parties are co-equal. Compulsion is not only inapplicable, but opposed to the principle of the system. And the men of that day were too logical to be unaware of this; they declined to incorporate with the structure they were rearing a principle directly antagonistic to it.

One effect of this omission of any clause forbidding secession is to compel those who deny the right to proceed on a system of inferences. Of these the most prominent is this: From a portion of a phrase in the preamble to the Constitution they infer, and would have others to infer, that the United States exist under it in the condition

of a single, consolidated State. We have already seen that unity does exist in a popular, in a commercial, and also in a political sense, so far as external relations are concerned. Does it exist in the domestic politics of the Union, the sole point in question? There is an unsatisfactory feature common to those who argue against the right of secession. They endeavour to convey impressions of a fact which they refrain from stating in plain terms. It is clear that the phrase, "We, the people," can have no bearing on the question, unless it indicate a single community, a consolidated State. This is the belief to be conveyed, the theory on which the whole argument is built; yet no one of those using it has the courage to state it plainly as a fact, and say the Constitution created a single, consolidated State. Either it did so, or it did not. The question is far too large to be solved by part of a sentence, so interpreted as to contradict the rest of it. We must search into the facts, and weigh the tenor of the Constitution itself; and this is the more important, as we may find in the end that the question of secession as a right may turn upon this point in one view to be taken of it.

We have seen that the present is not the first Constitution of the Union. The Convention appointed to revise the "Articles of Confederation" had no general authority. It was summoned by an act of Congress, which strictly defined its object and powers in these words:

*Federalists:
Do not say
a consolidated
State but
a consolidated
Govt.*

*The phrase
we the people
was used as*

*applicable
to the limited
states which
human had
no consolidated
Govt.*

*The Convention
being passed
they had
a consolidated
Govt. within
defined
limits.*

*So we have
1. People of
separate
sovereign states*

*2. People of the
States
united confeder-
very limited power*

*3. People of 3 States
extending their
powers day and
extended consti-*

"For the purpose of revising the Articles of Confederation, and for reporting to the several legislatures such alterations and provisions therein as should, when agreed to in Congress, and confirmed by the States, render the Federal compact adequate to the exigencies of Government, and the preservation of the Union." There is clearly no authority here to frame a new system, or effect organic change, but simply to make "alterations and provisions,"—to effect a vigorous reform. It will be observed, too, there is no mention of the people, but invariably of the States. The limits of their powers were not overlooked by the members of the Convention; they are continually referred to in their debates. They could not desire to exceed their authority, seeing that the next step was to refer the instrument to Congress for its approval—to the very source of their authority, whose sanction was essential to the success of their labours.

for the
unfanning
of the pro
tation
have 336

Now the "Articles of Confederation" expressly declare that "each State retains its sovereignty, freedom, and independence." They mutually acknowledge each other as distinct, sovereign communities; and in this capacity they send delegates to a Convention for the purpose of reforming the Government—their agent—and effecting such improvements in its machinery and details as would render it efficient. Curtis remarks: "We must observe the position of the States, when thus assembled in Convention. Their meeting was

purely voluntary; they met as equals; and they were sovereign political communities, whom no power could rightfully coerce into a change of their condition." This being so, it seems to require stronger evidence than a mere epithet to prove that each of them abdicated this sovereignty, and, beyond this, to explain also to whom it passed. *See then 2nd Par of Art 6 of the Const.*

And when a phrase is used it would seem natural to take the whole of the words, which are these: "We, the people of the United States, in order to form a more perfect Union." A Union of what? If formed by the Constitution into a single State, or if existing as a single people, of what could there be a union? Union without plurality is a contradiction of ideas. Thus we are invited to attach a meaning to an epithet opposed to the sense of the terms. The words, "We, the people," are used collectively to say, "We, the communities known as the United States, in order to form between ourselves a more perfect Union." We say, "The people of Germany," but this would not mean a consolidated State; on the contrary, the term may be used with propriety, although it would embrace kingdoms and republics entirely apart in domestic politics. There is also evidence of the true meaning of the phrase in this fact. When the first draft of the Constitution was reported by the "Committee of Detail," it stood thus: "We, the people of the States of New Hampshire, Massachusetts," &c., reciting the *There was an Union before in the first instance*
No State in the German confederation
he allowed to leave it

names of all the States at length. But on consideration, it was obvious that some might not ratify; indeed, this was expected. Hence, to avoid the inconvenience of reciting those who afterwards might not actually become parties to it, the title was abbreviated. Its true meaning is here plainly seen; and equally plain it is that a mere abbreviation could not alter the intention of the parties.

It has also been endeavoured to impart a peculiar force to this epithet by the deduction that it proved the popular action, and so gave the sanction of its being a direct manifestation of the people's will. The defect in this argument is that of being directly opposed to historical record. It is the fact that after the Constitution was framed by delegates of the States, approved by the Congress appointed by the States, and referred to the Legislatures of the States, it was finally ratified by a Convention called in each State for the purpose. This Convention was elected by such of the people of the State as were then electors, or rather by those of them who cared to vote; for in Pennsylvania, out of seventy thousand voters, it is stated that the majority who voted for ratification was elected by six thousand eight hundred only. The decision, whether to ratify or not, was left absolutely to these Conventions; they acted independently, on their own judgment. Their decision, therefore, was an act of the people, simply as a vote of the House of Commons may

not
it was referred
to the delegates
but the delegates
were bound to
refer it to a
People
wise Convention
2. 1847

not the agent of this compact. It must be our
great consolidated natl. Govt. of the People of all
the States" *Writings* - P 11 284.

be called an act of the people, and in no other sense. And not only is the argument founded on popular action apart from the fact, but directly opposed to it. Had the Constitution been referred to the popular will, to the general suffrage, as in France, it cannot be doubted that it would have been rejected by a large majority. It was framed by men in advance of their age, desirous to secure the welfare of the people by framing a code, they well knew to be opposed to the popular passions of the day. As we have seen, they sat with closed doors, with precautions to secure secrecy, and with such apprehensions of the difficulty of obtaining popular ratification, as to provide against one-third of the States absolutely refusing to ratify.

Of all the members of the Convention which framed the Constitution, the ablest was, unquestionably, Madison. It may be said it was his calm judgment and indomitable perseverance that eventually achieved success. Hamilton was, indeed, the master spirit, but Madison was the able workman. It so happens that we have on record his interpretation of this very phrase. In the ratifying Convention of the State of Virginia, Patrick Henry objected strongly to the words, "We, the people," on the ground that the very construction might be given to them which is attempted at the present day. But Madison at once showed such construction to be erroneous. He replied in these words: "The parties to it were to be the people,

* Pat Henry distinctly recognized & the force of the phrase "we the People" In one of his speeches at the Convention - He said: "My political enemies & I lead me to ask who authorize them to speak the language of 'we the People' instead of 'we the States'? States are the characteristics & the soul of a confederation. If the States by

8; & if adopted by ^{the people} all the States it is to be
a Govt established not through the intervention
of their Legislatures but by the people at large.
Madison's speech on a federal constⁿ Curtis 2. 539
Also Madison's 2. 40
226 Feb 138 THE AMERICAN UNION.

*This must
apply to
the act of
ratification
see Madison's
speech in
Washington's
farewell address
his life
12
393*
but not the people as composing one great society, ^{then} but the people as composing thirteen sove- <sup>verns are
given
by Curtis
without
comment</sup> reignties." Not contented with giving the true meaning of the phrase, he adduced an argument to prove it by adding: "If it were a purely consolidated government, the assent of a majority of the people would be sufficient to establish it. But it was to be binding on the people of a State only by their own separate consent;" This argument seems conclusive; and as an interpreter of the meaning of the terms none will attempt to compare the authority of Mr. Motley, or of Webster, with that of Madison.

*see Judge
Story's
commentaries
quoted at
end.
It was a
constitution
for the Union
of States*
We have seen that the modern interpretation of the phrase is contradicted by the rest of the sentence; but a still plainer contradiction will be found at the close of the Constitution. Those who desire to discover who are the parties to an instrument usually refer to the signatures. On doing so, we find the Constitution thus attested: Art. 7. "The ratifications of the Conventions of nine States shall be sufficient for the establishment of this Constitution, between the States so ratifying the same." "Done in Convention by the unanimous consent of the States present." Here follow the names of each of the twelve States who were parties in the Convention, and under each name those of the delegates who represented and signed for it.

It will be observed that the first of these two sentences contains a remarkable expression; it not

*see also Madison's speech 759
contending that the taxes should be collected
from "the citizens of America" rather
than the states.*

only requires ratification by the States, as States, but describes the Constitution as established, not over the people, but "between the States." In the face of such evidence as this, in the most important part of the instrument, it appears strange that an epithet should be selected from the preamble, a part of the document merely introductory, and an interpretation given it does not bear, in order to disprove that the States are the parties to the compact, whose names, signed for each by its commissioners, appear at the foot of the instrument.

If we turn to the clauses of the Constitution, we find them directly opposed to this theory of a single people or State. Were it founded in fact, the first result, under a republican government, would be uniformity of suffrage. The Constitution leaves it to each State to ordain what suffrage it may please. One State may have the most aristocratic, and another the most democratic, of electoral constituencies, without the slightest power in the Federal Government to interfere with either.

Representatives are allotted in the ratio of population; at first, one to 33,000, now, one to 127,381. Were there but one single State, or people, the division would simply be made throughout, for the difficulties are obvious when the ratio is applied to each State as a separate and distinct population. There are now three States that have not the number required for a single

member ; and by the last census, the fraction left over, unrepresented, in the State of Mississippi, is larger than the entire population of the State of Oregon. There is also remarkable evidence on this point. Washington exercised, once, his power to veto an act of Congress. The great inconvenience of the unrepresented fractions, when the divisor is applied to each State separately, led to an act of Congress under which it would have been applied to the population as a whole. This was objected to on the ground that it would tend to obliterate the distinct individuality of the States, and impair the federal character of the system ; that, in fact, it was a measure of consolidation. This act was vetoed by Washington, on the express ground that it was opposed to the spirit of the Constitution.

On turning from the House of Representatives to the Senate, we find that each State returns two members to that branch of the legislature, without regard to other attribute, than its distinct individuality. A comparison has been made between this position of the Senate and the House of Lords. The House of Lords does not profess to be a representative institution, or an elected body ; the Senate does. This was one of the compromises made in the Convention ; the smaller States declined to accede on other terms. In this light, as an unavoidable result of a compact between the States, it is quite intelligible. But it appears incredible that any single community,

professing to act on principles of republican equality, would give to Rhode Island, whose population is 174,000, the same power, in the most important branch of the government, as that of New York, with a population of four millions.

What, indeed, is the meaning of a Federal Republic? Clearly it means a government constituted of several constituent republics. To assert that all these were fused into one, is really to deny that the United States are a federal republic. This would be singular, but not more so than to deny the existence of a federal compact, because its terms are entitled a "Constitution;" as if the nature of an instrument depended on the name given to it: as if, also, those who framed it had imposed on the country something different from that which alone they were empowered to frame; and this, as we have seen, was a "Federal compact, adequate to the exigencies of government." What also, on the theory of a single people, is the meaning of the powers reserved to the States? These powers include those over property, and over life or death. We are at a loss to see how they could be, for ever, reserved to the separate States, after those States had been consolidated into one.

In the letter which Madison wrote to Randolph, giving his views of the requirements of a new Constitution, he observes: "I think that a consolidation of the States into one simple republic is not less unattainable, than it would be inex-

pedient." De Tocqueville observes: "It was not in the power of the American legislators to reduce to a single nation the people for whom they were making laws." In the Convention, one of the ablest members, Luther Martin, observed: "At the separation from the British empire, the people of America preferred to establish themselves into thirteen separate sovereignties, instead of incorporating themselves into one. To these they look up for the safety of their lives, liberties, and properties. They formed the Federal Government to defend the whole against foreign nations, and to defend the lesser States against the ambition of the larger ones." Here it appears, in clear terms, that one of the objects of the system was to prevent that very consolidation, which we are now told that it effected. The evidence of Mr. Seward cannot be objected to by a Unionist. On the 20th of March, 1850, he thus expressed himself: "Every man in this country, every man in Christendom, who knows anything of the philosophy of government, knows that this republic has been thus successful only by reason of the stability, strength, and greatness, of the individual States."

It may appear superfluous to produce so much evidence to prove that the individuality of the States continues distinct, if it should be known to "every man in Christendom," that the government of the Union has rested on the greatness of the "individual" States. But we shall find that there will follow a most important consequence.

Their individuality remaining distinct, it may prove that their original sovereignty will also continue intact in each of them.

One thing is clear, that on the day when each State ratified the new Constitution it was an independent power. The thirteen colonies were acknowledged by Great Britain, and other countries, each of them as separately independent. We need not, however, go further back than the Articles of Confederation, which declare the mutual relation in which they coexisted in the Union. The question is thus narrowed to this,—if they be no longer separately sovereign, to whom did their power pass, and what evidence exists that a change of such supreme importance has ever occurred?

It is clearly the natural conclusion that it remains where it existed before, unless there be evidence to the contrary; the onus of proof lies with those who dispute this. We seek in vain for this proof, for any explanation of the nature of the change, or for any declaration to whom the extinguished power has passed. Mr. Motley expresses, indeed, impatience of the term sovereign, as being feudal and inappropriate on American soil. No term is more frequently used in the State documents, where, indeed, it appears with a frequency unknown in Europe; and as we find it in the immediate parent of the Constitution, it meets us at the first step. From the general scope of Mr. Motley's arguments, they would appear to

convey the theory that the original sovereignty of each State passed into the Federal Government. This is described as "clothed with imperial attributes," as executing laws, which are the supreme law of the land. It would be the natural inference from this, that the Federal Government has become the depository of the sovereign power, originally in the separate States. But Mr. Motley has not gone so far as to assert this. We are led to the brink, but there the guide disappears. No American writer could, indeed, make the assertion, for it would directly contradict all American jurisprudence, and the fundamental principles of their political creed, which are, that all sovereignty is in the people.

If this be so—and none will dispute it—it follows, that any government appointed—with whatever functions endowed—of whatever attributes apparently possessed—is still merely an agent, discharging certain allotted duties. That great authority, the "Federalist," observes: "The Federal and State Governments are, in fact, but different agents and trustees of the people, instituted with different powers, and designed for different purposes." Austin, in his work on Jurisprudence, terms the Government the "subject-minister"—minister, as the agent—subject, in relation to the sovereignty of the people. Mr. Lincoln, in his last address, terms the people his masters—forgetting, probably, the strange theory he had propounded, that the States derived their

powers from the Government they themselves had framed. We are so habituated to associate the idea of sovereignty with the name of government, that it requires an effort to realize the full effect of American political principles. They, however, are those to be applied; and nothing can be more complete, than the accordance of all American authorities on this point. One of the latest, Curtis, in his admirable work on the Constitution, observes: "In America, it has been incontrovertible since the Revolution that the supreme, absolute, and uncontrolled power is in the people, before they make a Constitution, and remains in them after it is made."

As it is thus clear, that the original sovereignty of each State could not pass into the government, its mere agent, wholly or in part, there remains but one theory,—that of the fusion of the thirteen powers into one,—into the Union, so as thus to have formed a corporate power. This seems to be the prevailing belief in other countries, and to be that now held in the Northern States, though we shall find that on other occasions, none have more vehemently denied it. In examining this proposition we encounter a formidable obstacle at the threshold. The Constitution did not form a Union,—that was there before,—it subsisted all the time,—there was no break of continuity,—there occurred a radical reform of government, but no organic change. The States existed in union as a Federal republic,—as such they continued.

Seeing, then, that the Union pre-existed, we trace back to find the mutual relation of the States in it. This is declared in the preceding articles; and when we find by them that they existed in the Union as independent, sovereign powers, mutually acknowledged as such, we must hold that they so exist, unless there be evidence of abdication in the terms to which they assented in the new Federal compact. In those terms no such evidence appears. There is a clause reserving to each State the exercise of every right not expressly delegated. The possession of sovereignty is not named or conferred; and we shall shortly find it to be wholly incapable of transfer when inherent in a people. Hence in regard to the mutual relation of the States in the Union, the only existing evidence is that which declares the distinct sovereignty of each of the separate States.

In what manner is it possible that any change of this nature could have been effected by the Constitution? An agreement is made between the States, as to the amended powers they should allot to their agent, the general government, in order to render it more efficient. In this, there is nothing to affect their relations to each other. Had it been an agreement to form a consolidated State, then of course the powers would have been amalgamated with the people. We have seen, on ample evidence, that this was not intended and did not occur; and it follows that as there was no fusion of the communities, there could be no

"There are a great of opinions as to a matter... Govt
but a principal matter is whether it be a federal or consolidated
Govt. x x I concern myself it is of a mixed character
x x In some respects it is a Govt of a federal nature
in others of a consolidated nature". Madison ⁱⁿ ^{the} ^{Confederate}
for ^{the} ^{Confederate} ^{Govt} ^{L. P. H.}
306

Rhode Island objected to a union. Of the needful Revenue
officers into a state who were not answerable to a state
itself - Hamilton combatted this idea - Curtis adds
"From the prevalence of this notion we may see how difficult
it was to create the idea of a national sovereignty that is consistent
with the sovereignty of the States & is well in its appropriateness of the
economy of the State but it begins limited to a different
understanding of the sovereignty, inherent in each one of
them.

Alluding to this subject, Curtis expresses himself thus: "Political sovereignty is capable of partition, according to the character of its subjects, so that powers of one class may be imparted to a Federal, and powers of another class remain in a State Constitution, without destroying the sovereignty of the latter." From this it would appear to be the opinion of this authority that the sovereignty of the State remains. But that which is spoken of as "capable of partition," is not really sovereignty, but simply the exercise of it. Sovereignty is altogether incapable of division, but it may act through several agents. A man may be the owner of a house in fee-simple. He may find it to his advantage that another person shall occupy part of it, and he may engage not to use that portion, but this in no respect voids his ownership, nor does it prove any division of that ownership. So, in this case, the original sovereignty in each State, the ownership of the power—the fee, is vested in the people of that State,—it is there inalienable, and indivisible—but in place of exercising it through a single channel, the State divides its action between two agents, the one appointed exclusively by itself, for special objects, and the other appointed in conjunction with the sister States, for objects common to them all.

Indeed, if we consider what sovereignty really

Petition's up is insignificant. He asked "What shall a State have to do? Talk can be poor - repair the bridge - meet Budget & soon & soon! Abolish the state legislatures at once. - Went 307

1. 206
read this
with the
context

is so limited

The conclusion
is that
says "the
Power"

is, it will be plain that it cannot be divided. It is the sum of the separate elements, which, when united, form absolute, uncontrollable power. The power of the sovereign with us is limited, that of the sovereignty—Queen, Lords and Commons is unbounded. This sovereignty pervades the State, as life pervades the body, incapable of division within it. A divided sovereignty would indeed be two sovereignties within one State—two powers both supreme—two lives in one body. By the constitutional principles of America, on which alone this subject must be judged, this sovereignty resides in the people alone, and is held to be inherent in them, and inalienable from them.

*thus goes
even by and
the great
advocate of
Nullif.
Hayn
den his
speech in
up to the
'Hist. & Geo. Co.
456.*

Now, if inalienable, it remains where it was, where we know it did exist—in the people of each separate State—bounded by the boundaries of that State, which define the individuality of that distinct community;—for that which is inalienable cannot be passed away, nor yet divided, which would pass part of it away. It is coextensive with the individuality of that people. And held to be inherent, born in that people, it must be the inheritance of the following generation, as well as the possession of the present one. The people are continuous, there is no gap between one generation and another, and that which is inherent in them must clearly be continuous also.

So long as these tenets are the constitutional law of America, one generation cannot be born less sovereign than another; and the people of the

State of Georgia clearly continue in the Union under the Constitution, as they existed in the Union under the "Articles of Confederation,"—united with others for certain purposes, but a distinct, independent, and sovereign community. In reality, every State has asserted its distinct sovereignty, on all occasions, and in peremptory terms. The leading supporters of the Union at the present day are citizens of Massachusetts. In 1793, that State was sued in an action brought in the Supreme Court. The Governor of the State, Hancock, declined to answer or appear, and took the very different course of issuing a proclamation, for a special meeting of the legislature of the State. He held it to be beneath the dignity of a sovereign State to answer to a suit; and the legislature agreed with him. The result was to enforce the addition of a clause, the eleventh of the amendments to the Constitution, expressly debarring the judicial power of the Government from any suit against one of the States. Again, in 1814, Governor Strong, of the same State, declared that—"the Government of the United States is founded on the State governments, and must be supported by them. The State legislatures are the guardians, not only of individuals, but of the sovereignty of the respective States." Again Massachusetts proceeded to act, as well as to assert, and refused to comply with the behests of the Federal Government. Throughout the history of the Union every State, without ex-

ception, whenever the occasion has arisen,—and there have been many,—has asserted its sovereignty in jealous and absolute terms ; and we find no instance where the assertion has been denied or disputed by the Federal Government. There is a remarkable case at the present day in the conduct of the State of Kentucky, in declaring its neutrality whilst the Government was at war.

By virtue of this sovereignty, the States, when so disposed, call a Convention, which has the power to pass an ordinance, or to repeal a former one passed by a predecessor. The repealing ordinance of the State of Georgia runs thus : “ An ordinance to dissolve the Union between the State of Georgia, and other States united with her, under the compact of Government, entitled the Constitution of the United States.”

“ We, the people of the State of Georgia, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinances adopted by the people of the State of Georgia, in Convention, in 1788, whereby the Constitution of the United States was assented to, ratified, and adopted, and also all acts, and parts of acts, of the general assembly, ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded, and abrogated.

“ And we do further declare, and ordain, that the Union now subsisting between the State of Georgia, and other States, under the name of the United States, is hereby dissolved, and that the

State of Georgia is in full possession, and exercise, of all those rights of sovereignty, which belong, and appertain, to a free and independent State."

Here we have the passing of the law, and its repeal, both with the same solemnity, and by the same body. The power is inherent in every legislature to repeal a former act, and in every Convention to repeal a former ordinance. Parliament cannot pass an act which a future parliament may not repeal. A Convention is the direct organ of the sovereignty of the people, the instrument through which it manifests its absolute power. Called for the purpose of organic change, its functions are not limited, like those of a legislature, within the terms of a Constitution; on the contrary, its powers have no limit. It is there to make or unmake Constitutions. It is a clear act of sovereignty to summon a Convention, altogether beyond the scope of a province. The right of each State to do so has been constantly exercised, and never disputed, and no Convention can be called which has not within itself the inherent power to repeal an ordinance passed by a previous Convention of that State.

As each of the original States acceded to the Constitution by an act of Convention, and as this forms the only bond of union, it follows that each of those States, as a sovereign community, has, *only the* according to the constitutional principles of Ame- *Constitutional* rica, the inherent right to repeal that act, and *right.* sever the bond, or, in other words, to secede from

the Union. An effort is made to meet this, by confusing the joint action of the States in general Convention, with the separate act of each State which alone formed the Union. It is said, that as the States acted conjointly, no one of them can withdraw without the assent of the rest. It is true that twelve of the thirteen States acted conjointly—in framing the instrument; whereupon their joint action ceased, the instrument itself having no particle of force. Subsequently each State separately passed an ordinance which accepted that instrument, and attached such State to the Union. Hence the repeal of that ordinance is not the repeal of any conjoint action whatever, but of the single, separate act of that State. No assent of others was sought or given in the passing of that ordinance, and no assent of others is required to enable a succeeding Convention to repeal it.

Nor is this the only source from which the right of secession is derived. It arises under the clause of the Constitution, which reserves to each State every right not expressly conferred. This at once raises the question what are those rights, and what the powers reserved to a State; and to learn this, it is imperative to refer to the special Constitution of that State. Of these there are now thirty-four, differing in some of their provisions, but kindred in spirit. Few of them have ever passed a quarter of a century without alteration; they have invariably been altered for the worse,

by removing them further from the Federal standard. In the Constitution of Maine it is stated: "All power is inherent in the people; all governments are founded in their authority and instituted for their benefit; they have therefore an inalienable right to alter, reform, or totally change the same, when their safety and happiness require it." That of Tennessee affirms that, "Government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive to the good and happiness of mankind." That of Oregon, one of the most recent, declares that, "All power is inherent in the people; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper." That of Mississippi asserts that the people "have at all times an inalienable, and indefeasible right to alter, or abolish, their form of government, in such manner as they may think expedient." These sentiments, slightly varied in expression, are common to the whole of the State Constitutions, and are disputed by none.

There is another great constitutional authority, the fountain head of American politics—the Declaration of Independence—of which the first clause bears directly on this question: "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that amongst these are life, liberty, and the pursuit of happiness; that to

& Provision made in the Constitution for its alteration secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive to these ends, it is the right of the people to alter, or abolish it."

These are the constitutional principles for the guidance of every citizen. When the people of Georgia, left in doubt by the silence of the Federal compact on the subject of secession, refer to these to enlighten them, to what conclusion must they come—what hesitation can they feel? They are told that the "pursuit of happiness" is "an inalienable right of man;" they feel that the government over them has become "destructive of this end;" they read that thereupon "it is the right of the people to alter or abolish it." It will, indeed, be said that the people referred to, are the whole people of the whole country, but this is not the fact; the Constitutions quoted from, speak each of them for no other than the people of its own State. That, indeed, may promote the happiness of Georgia, which produces woe in California, at a distance of three thousand five hundred miles. By what arithmetic can the balance of happiness be adjusted between them? Further, the Declaration of Independence did not speak for all the people under the rule it denounced, but for a small portion of them only; nor did it speak for the people of the United States as a single people, but as separate colonies now claiming to be independent, the respective, original States. Clearly, then, this lan-

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When in a crisis of human events it becomes necessary for one People to

guage is adopted by the people of each separate colony now a State, having a form of government over it of which it is to judge, and which, whenever so disposed, it may abolish.

Again, governments are unjust unless their powers are based on the "consent of the governed." Here the same question arises, Who are the governed who are to consent? Are the people of the State of Georgia to refrain from dissenting until they agree with the people of Oregon, more remote than England from Arabia? But this principle also was enunciated, like the last, for the guidance of each separate, distinct community. Upon these principles we can arrive at no other conclusions than these—that according to the Constitutional doctrines of America, whenever a State decides by the vote of a majority of its people, that the government over it has become destructive to the ends of its welfare and happiness, and no longer exists in its consent, such State has a right to abolish that government, so far as it concerns itself, or, in other words, has a right to secede from the Union.

If this be so, the Union has never been a system of government, stable and permanent in its nature, but has always been exposed to be overthrown, whenever circumstances called into action, with sufficient force, the principles inherent in it. In weighing its value with a view to its restoration, this becomes of the first importance. The people of the United States are no longer infant commu-

nities. A single State is now far more populous and powerful than were together the thirteen for which the Constitution was framed. Would it not be wise to adopt an entirely new system—in harmony, not with the past, but the present—not with the childhood of the people, but the vigorous manhood of the present day? No one will deny the value of experience either to men or nations. Of what value can it be, unless it produce fruit in decision, or in action? The United States have now had eighty years of experience; and in view of the dangers they have encountered, of the disastrous events occurring now, and of the altered condition of all the facts, to return, of their own act, to the old starting-point, would be no decision of mature wisdom and experience; but would rather resemble that return to second childhood which we sometimes behold with regret as the result of four-score years.

no. but a
 consolidated
 Gov't so far
 as certain
 powers are
 concerned

If, however, a Union must exist, then it would appear an unwise, although it might be a convenient course, to slur over and evade this doctrine of secession. There are two ways in which to deal with it. One, to form, what has never hitherto existed—a consolidated State. This it may be in the power, either of the North or the South, to do separately; conjoined, it would be idle to attempt it. Whenever it can be accomplished, the doctrine of secession dies at once.

If, however, it be impracticable to form consolidated States, and a Union or confederation

must still continue, then whatever its boundaries, there will exist within them this principle, inherent in the Federal system. It would appear the true policy of such a confederation to remove all doubt, and carry out clearly the principles of its origin, by openly declaring the right of secession. Had this been done from the first, there would probably have been no secession this day. The surest way to end the desire for any object, is to give unlimited command of it. Secession has mainly occurred because it was denied. How beneficial the consequence, had it been an admitted right for the last forty years! In place of the despotic use of political power, in contempt of the feelings or interests of other portions of the country, whether at the hands of slave-owners or monopolists—there would have been all along a tempering, moderating influence. Abolitionism, in all its extremes of virulence, has been permitted by the North because the South was considered to be fast. It might writhe under it, but it must abide. But for this unfortunate belief, the intelligence of the North would have said, “If to gratify your passionate opinions, you indulge in such language as this, addressed to your fellow-citizens, they will separate from us; we will not have the Union destroyed at your bidding and pleasure.” In like manner, when the manufacturers desired to increase ample protection to outrageous monopoly, that intelligence of the North would have said to them, “Our sister States shall not be driven from

this Union in order to increase your profits." The same rule will apply to external affairs. Texas would not have been annexed and be-slaved, no Mexican spoliations—no war of 1813—no Ostend manifestoes need have defaced the history of the country. Throughout the range of political affairs there would have been present that influence—so constantly absent—consideration for others. The sovereignty of the people is a despotism untempered by division or check. The denial of secession has invited it to act despotically—to do simply as it listed, regardless of those supposed to have no escape from endurance. The more the subject is examined, the more plainly it will appear that under an admitted right of secession there would never have grown up to dangerous magnitude those causes which now produce—and that in so terrible a form—the disruption of the Union. Without those causes, had the feelings and interests of others been fairly and temperately considered, the Union might have existed as firmly this day as at any former period of its history.

Thus we arrive at the same conclusions as the authorities first quoted—that secession is a just and clear constitutional right of the States, and no violation of any enactment of the Federal compact. Admitting, therefore, that the people of the South had a perfect right to exercise this power, it remains to consider whether the circumstances in which they were placed enabled them to act upon it with prudence.

*The Senate
equally
represent
the States*

*See his
arguments
Pa 10 to 14*

*See Washington Journal and Dispatch as authorities
to this chapter*

Extracts from Washington's address

An inscription had taken place
in Pennsylvania where the laws
of a U.S. had approved & their
execution obstructed - W had
called out the Militia & expressed
- & he addressed Congress on 19 Nov
1794 -

x x x x

As to the inscription

"It has demonstrated that our
prosperity rests on solid foundations
by furnishing an add'l proof that the
my Hel Cit^y understand & true
principles of Gov^t & Liberty that they
feel their inseparable union;

x x x x

"Amongst I to omit to acknowledge
the assistance & patriotic cooperation
w^h I have experienced from a
chief Magistrate of the States to
w^h my representations have been addressed
& Do every description indeed of

citizens, let peace begin; but let
them preserve in their affectionate
vigilance over that precious deposit
of American happiness & conduct
of a US. Let them cherish it
too for a sake of those who from every
clime are daily seeking a dwelling
in our land. And when in solemn
moments of reflection they shall have
traced a ruin & progress of a
narration, let them determine
whether it has not been fomented
by combinations of men, who careless
of consequences & disregard of
unerring truth that those who
were cannot always appear
a calm conviction have determined
for an ignorance or perversion of
facts suspicious jealousness & access
of whole Government

Farewell Address
To the People of the U.S.!

The Unity of Govt & constitution for
one People also now dear to you
is equally so; for it is a main
pillar in the edifice of great
independence - the support of
happiness at home - of preservation
of its safety - of its Purposes - of that
high duty which you so highly prize
But as it is easy to foresee that the
causes of the diffidence much pains
will be taken - many artifices
employed to weaken in the minds
& conviction of this truth; as
there is a point in the political contest
of the balance of interest & elements
which will be more consistently
acted (though often covertly &
invidiously)

directed - one of infinite moments
that you should properly estimate the
immense value of National
Union to the collection of individual
Happiness; that you should cherish
a cordial habitual & unmovable
attachment to it - accustoming
yourselves to think & speak of it as of
a Palladium of the Public Safety
& prospering watching for its
^{preservation} ~~protection~~ with national anxiety;
discountenancing whatever may
suffer to become a suspicion that
it can in any event be abandoned
& indignantly opposing a proposal
to attempt the fundamental to
abolish any portion of our country
for it is not only infeasible & sacrilegious
but we now link together the various
parts. For this you have every
inducement of sympathy & interest

Arising by birth or choice of a
common country that country has
a right to concentrate its affection.
The name of American belongs
to you in National capacity
must always exalt a just pride
of Patriotism more than a puffed
brag for local distinction
- without hypothesis of difference
you have a same religious maxims
beliefs & political principles. You have a
common cause for you & I struggle
together. The independence &
liberty you possess are the work
of joint councils & joint efforts
of common dangers & sufferings &
successes.

Washington shows how the
of the & the are all in the same
"Hence, wherever they will stand

the necessity of those measures
military establishments, & under
any form of Govt are indispensable
to liberty & wh. are to be regarded as
particular hostile to Republican Government.
Liberty. In this sense it is that
of ~~the Union~~ ^{the Union} might to be considered as
a ^{major} part of Liberty & that a love of
a one ought to induce a love of
preservation of a ~~free~~ ^{free} state.

These considerations speak
a permanent language. To every
reflecting & virtuous mind &
exhibit a condemnation of
Union as a primary object of
National desire. Let us a
doubt whether a common Govt can
embrace so large a sphere? Let
experience solve it. I object to
mere speculation in such cases
were criminal. Were authorized to
hope that a proper organ of a
whole - the auxiliary agency of
Govt for the respective subdivisions
will afford a happy issue to the
Washington then goes on to
depict the characterizing Parties
by geographical distinctions as "Northern"
"Southern" "Atlantic" "Western"
whence every young man may deduce
the belief that there is no
real diff^y of local interests
or views.
"The basis of our political system
is the right of the People to make & to
alter their Constitutions of Govt
Ande constⁿ wh. at any time exist
be changed by an explicit & authentic
act of a whole People is sacred
to the living upon all. The very idea

of the right & the power to establish
Government preceptum & def of
every individual to the Govt
Government"

x x x x

"If in a spirit of the People &
Institution or modification of
constⁿ. power be many parties
in my words be corrected by an
amendment in a way which
Constitution designates. But
let there be no change by usurpation
for though this in one instance
may be a instrument of good
it is a customary weapon by
which a free Govt is destroyed"

The Constⁿ right of
Recession?

It is acknowledged by all Parties that
~~at the~~ in 1780 a Genl. Govt was
formed to which were delegated
by a sovⁿ Power of each State
viz the People certain Powers to
be exercised for the benefit
of the People of all the States
& these Powers were enumerated
in a Constⁿ. - all the Powers not so
enumerated or prohibited to the
States were expressly & by an implied
reserved to ~~other~~ the States or to
the People.

But what if dispute arises
between a State & Government
so created as to the extent of those
powers. Who is to decide?

The Federalists say - the decision
must be had by a reference to the
Constⁿ itself - independent by the
Indicatory Powers. (See Constitution
Page 357)

also - Constitution. Page 360

The Federalists say the ^{Constitution} ~~Union~~ is not a mere Compact between a few States as States - but it proceeds from the People of the U S - that a Constitution is binding upon all until overturned (not being suppressed) by violence or reformed by agreement -

And if it were a Compact ^{or} state as that compact lab'd by ^{on Constitution} a govern^t - the extent of whose Powers can only be ascertained by a reference to the Constitution itself - And further say the Federalists - Granted that the Constⁿ is merely a creature of a State Govt & that it might be modified at their pleasure - it is still necessary that they sh^d appeal to the People - & alone sh^d not interpret it conclusively

The "State Rights" advocates on the other hand argue that a decision of how far a right of any one State may be violated by a Genl Govt. must in a first instance rest with a State itself - If they decide in an "affirmative" they have a right to nullify - But it is quite a new doctrine that this right implies a right of secession -

Hayne (Gov of Carolina) - a great authority ~~was~~ only claimed a right of nullification - as "extreme medicine of the State" has an arresting Power until Congress sh^d appeal to the People - then clearly giving up the Supreme Sovereignty of the State -

But who if Congress will not make that appeal? Then says the State Right man - Nullification continues & if under such ^{circumstances}

force he used to compel a State
resistance. W^d. be legal and
Constitutional.

"The whole difference between us
is this," says Hayne "the Gent^l (Webster)
W^d. make force and arbitrariness in
all cases of collision between a
State & a Fed^l Govt. I W^d. resort
to a peaceful remedy - the interposition
of a State to "arrest a progress
of a evil" until a convention
assembled at a call of Congress or
2/3 of a several States shall decide
to what they mean to give an authority
claimed by two of them or any."

I say then that there is nothing
worse than the Const^l right of Secession
The right of resistance to infractions
of a Constitution is common to
the subjects of all constitutions
- They must be the Judges how
far it is prudent to carry such
resistance.

force be used to compel a State
resistance w^h be legal and
also Constitutional.

"The whole difference between us
the I. & the S. Hays - 'the Gent.' (Webster)
not w^h make force and arbiters in
down all cases of collision between a
States & Fedl Govt. I w^h recd
force to a peaceful remedy - the interposition
- that of a state to "arrest a progress
upon of a evil" until a convention
shall assembled at a call of Cong up or
one 2/3 of a several States shall decide
to w^h they mean to give an authority
claimed by two of them or any"

and
by Cor I say then that there is nothing
a matter of the Constl right of Secession
For The right of resistance to infractions
by of a Constitution is common to
it to the subjects of all constitutions
e - They must be the Judges how
Con far it is prudent to carry such
e resistance.

no
Shi
- 6.

CHAPTER VII.

THE STRUGGLE TO MAINTAIN THE UNION.

WHATEVER be the conclusion formed by the reader of the preceding chapter, whether in accordance with our own, that secession is a clear right based on the constitutional principles of the United States, or that the present movement must be regarded simply as a revolution, in either case a requirement existed of the first importance—that power to maintain independence, without which its declaration might be futile. It is true that the leaders of the movement had little cause to anticipate civil war as a result. When carrying out the doctrines of the Declaration of Independence, and the teaching of the New England States, they could not expect that an act so thoroughly in accordance with principles the triumph of which was the glory of American history, and the inexhaustible theme of her oratory—would bring down such a consequence. To the people of the South, acquainted with the enormous extent of the country and its well-proved obstacles to invasion, nothing could appear more incredible than a serious attempt to invade and subdue them.

Their leaders are also well read in the history of the early days of the Constitution, a subject which the Northern people prefer to ignore, and they could not anticipate that recourse would be had to "coercion," which Hamilton, the idol of the Northern Unionists, had stigmatised as "madness." They knew that one of the chief objects for which the Constitution was framed, was to avert the impending danger of civil war; possessed of this knowledge, they could hardly anticipate that civil war would be invoked to maintain it. Indeed, on turning to peruse it they would find announced as one of its objects, "to insure domestic tranquillity." Strange indeed it were to expect that such an object would be sought with fire and sword. They knew also that no military force existed at the command of the Government, with which such an undertaking could be attempted. Not easily would any mind be brought to believe that the sister States would volunteer on such a service, least of all of them the people of the metropolis, New York—a city grown great upon their trade, and long united in bonds of the warmest alliance. It was the member for that State, who, as one of the founders of the Republic, had discarded with repugnance the idea that any State would ever be sunk so low as to be employed in coercing a sister State.

But although the people of the South, thoroughly convinced of their constitutional right to secede, had also these reasons to expect that the separation might be peacefully effected—still more

than this was required. No assertion of independence can be a reasonable act, unless those who announce it be prepared to maintain it, by surer means than reliance on the calm judgment or fraternal feeling of others. The measure has some of the features of a challenge, which none should offer unless prepared for any consequence. It was the plain duty of the leaders, whatever the belief or the incitements to action, still in spite of them to abstain from so dangerous a movement, unless well assured that their resources would suffice to insure that which the world requires to justify movements of this nature,—success.

It may appear beyond the scope of an inquiry directed to the American Union, to examine the relative resources of the two sections. Were it wholly of an abstract nature this would be the case ; connected as it is with the question of the maintenance or restoration of that Union, it is necessary, in order to embrace the subject as a whole, that this investigation should not be omitted. Indeed, after the first question whether the Union be really itself a good, or an evil, the inquiry naturally follows, whether it can be maintained.

There exists a popular impression, that the great superiority of the North in number gives to it an overwhelming preponderance of strength. This seems to have worked so strongly on the minds of some, as to preclude all doubt concerning the issue of the contest. Mr. Cassius M. Clay raises the question, “ Can we subdue the South ? ” and replies to it at

once—"Of course we can." When Napoleon invaded Russia at the head of half a million of men, he was probably not less confident. The only apparent ground for this reliance is superiority in population. But in India we hold 180 millions under our rule, with a force of 80,000 men ; and though in that case superiority of race is the real power, the simple fact seems to afford reason for distrusting the mere evidence of numbers. Modern history is replete with instances where no appreciable superiority of race has existed, and yet victory has remained with the smaller number. Frederick the Great would never have maintained himself against the three great empires that surrounded him, had success depended upon numbers. Portugal would not be independent of Spain, nor Switzerland of Austria, nor Greece of Turkey, by that rule ; the history of our own wars gives it a very emphatic contradiction.

If, indeed, it were possible that the belligerents should enlist to the full capacity of the respective populations, and these forces were likely to meet on an equidistant plain—then this mode of calculation would hold good. Or if one country could invade another as a people, each man accounting for a foe, in that case the more numerous would remain with a balance triumphant on the field. But in modern warfare nothing of the kind occurs. The invading force is not a people, but an army. That army in its progress must encounter obstacles fatal to far greater numbers than fall by the sword. The

question is not really what numbers there will be to resist the invasion, but what the sum of the obstacles the invader must overcome to attain his object. So delusive is any estimate based on numbers, when applied to a war of this character, that it may be doubted whether the superior population of the North be not really a source of weakness instead of strength.

In ordinary warfare the combat is a duel between the two armies, which the inhabitants of the country behold as spectators; if both armies be inefficient, they fight on equal terms. But here the invading force has two enemies, the opposing army and the people. There is the foe in front, others are on the flanks, there are more in the rear. The efficiency of an army so placed is exposed to the severest test; for every march is in the nature of a flank march, and every important movement is a change of front in presence of the enemy. And when the country to be invaded is ill supplied with roads or forage, without stores that may be seized, and of enormous extent, the difficulties of the transport and commissariat services become so intense, that an invading army, when fairly advanced into the country and fully exposed to these influences, must find itself employed in the pursuit of its own destruction, unless thoroughly efficient.

Hence the question is by no means confined to the number of recruits the population of the North could supply, but is rather the extent of the really

efficient force it can bring into the field. To deserve that character an army requires officers, cavalry, guns, and munitions of war in due proportion. The scale on which these existed in the United States was that of 16,000 men. Upon such a nucleus to build up within a year an efficient army of 100,000 men would be a remarkable achievement. The great armies of Europe have been the growth, not of months, but of centuries. There is no American art of war different from our own; the same rules apply, and if it be considered what difficulty we experienced in the Crimean war, in placing 50,000 men suddenly in the field, notwithstanding our greater population, resources, and experience, it will be seen that a strenuous effort will be required, to convert within a few months a force of 16,000, disorganized by the loss of its best officers, into an efficient army of 100,000 men.

Apart from those local forces that cannot decisively influence the result, this would appear to be the maximum number the principal army will reach. If so, a population of ten millions will readily supply recruits for that number. The truth is, the North possesses a numerical power beyond its military strength, and this excess is mere superfluity. An army is a complex machine, in which the efficiency of the whole depends on the efficiency of each separate part; like a watch that is valueless unless every wheel and pinion be in order. With one set of movements, one watch can be

made—with fifty sets, fifty ; but if there be fifty sets of wheels and pinions, and only two springs, there cannot be made fifty watches, but only two. So in the North the supply of one element of strength is disproportionate to the rest. For the immediate purpose of aggressive warfare that superabundance has no value.

But an important consequence results from it. We have seen that the national standard of value in all things, is now magnitude. The people of the North will take as their guide, not the army list, but the census ; and aim at a force proportionate, not to military strength, but to the number of heads. The Government, swept along by the popular current, must needs adopt this principle. The result must be an enormously expensive and inefficient force ; in other words, a union of two elements, inefficiency and cost, either of them fatal to success. The present rate of expenditure in the North is an enemy more dangerous than any foe in the field. It will decide the contest before it might otherwise terminate ; and the more closely we look into the subject, the greater the doubt will become, whether the very excess of the North in numbers will not really prove a source of disaster.

In forming a judgment of the results to be expected, it will be essential to keep in view, the different degree of efficiency required in an army, called upon to invade a country, from that which will suffice to defend it. This was strikingly

exemplified in the war of 1814. The whole of the aggressive operations of the American forces resulted in disastrous failure, yet they defended Baltimore and New Orleans with complete success. It appears the popular impression in the North, that because any man can discharge a gun over a wall, therefore he can be a soldier. But the invader must march right up to that wall, and climb it under the fire of its defenders, and this requires a very special training. In that war of 1814, undisciplined men were well able to stand behind bales of cotton, and shoot down those advancing in the open; but at Bladensburg, an army of the same materials, with the President at its head, was defeated by a force but a third of its numbers, not from any want of individual courage, but because untrained in the degree required for engagements in the open field. Those who wish to form a correct judgment of the elements in this question, will do well to consider that the advantage of the defenders of New Orleans is with the South, whilst the undertaking of the North is to fight a series of battles under the conditions of that of Bladensburg.

Financial power preponderates greatly in favour of the North, but here the inquiry frequently seems to take a wrong direction. The true question is not which may be richer or command the greater credit, but simply whether the South possess financial means that will suffice for effective defence. This none can doubt, for whether as

regards the luxuriance of its crops—the lucrative commerce it has enjoyed for many years—or the resources contained within the country—few are to be found possessing more largely the elements of wealth. If this were not so, history affords ample evidence that the absence of wealth has proved no barrier to the defence of an invaded country. The very scene of the conflict has already illustrated this, for seldom did greater poverty exist, either in resources or credit, than in these States when they successfully defended themselves in the revolutionary war. All but incredible is the extremity that accompanied the whole of that contest, when not only had coin disappeared, but the notes issued by Congress had fallen in value to as low a point as the eightieth part of their nominal amount—nay, at times were so valueless, that Washington was occasionally obliged to resort to forced requisitions, to feed his troops. In spite of all this the war continued, and ended in successful defence. Wealth or credit is indeed essential, to the power that equips great forces for expeditions and aggressive war; but that neither is absolutely necessary for the defence of a country, there can be no clearer proof than these States have already afforded.

The effects of the war will tell financially with far greater severity upon the Northern than the Southern power. This will be obvious on comparing their industrial condition. In the South are two classes, the poor white whose circumstances

nothing can alter for the worse, and the planter with whom the ruling power resides. Were it essential to him to sell his crop of cotton or tobacco, in order to pay wages or provide food for his people, the effect of the blockade might be decisive. But all the necessities of life may be obtained on his estate. The majority sell their cotton to reimburse advances previously made to them. If unable to sell it, they cannot repay these advances, which must simply be postponed, and there is nothing in this to prevent the continuance of the contest for an indefinite period. Any country can exist and sustain a defensive war, without export trade, if possessed of a fertile soil. We blockaded France for wellnigh twenty years, and at one time reduced her to the greatest straits for saltpetre, which her science invented a method of producing artificially. Yet in the midst of that blockade she achieved her greatest triumphs. Undoubtedly suffering will result to individuals in the South, but speaking generally, the utmost effect it can produce will be a general suspension of certain classes of payments, in other words a system of promissory notes, which so far from precluding the operations of war, has been its usual accompaniment in most countries.

In the North, the small farmers compose a large class of the population, covering the face of the land. With them, the usual routine of daily life will continue with little change. But there are great cities, densely crowded. These masses,

unlike the poor white of the South, have no land on which to grow their food, nor can they await its growth. The blockade will not starve a negro, but it may stop the mills of Lowell, upon which a white population will be immediately reduced to want. The sufferings of war are felt in the ratio in which large cities exist, that contain great numbers requiring daily bread, and depending for it on trade or manufactures. A commercial crisis that will cause havoc in Manchester or Birmingham, may be unheard of in Hampshire; so the effects of this war will tell on the masses of the North, with a severity altogether unknown to the dispersed agricultural population of the Southern States.

To what financial straits the Southern government may be driven, we cannot estimate, in the entire absence of information as to the rate of its expenditure; but there is ample information to show that under the expenditure now in progress in the North, the war must indeed be short that will not witness there a financial collapse. The peace expenditure of the United States for the year ending 30th June, 1860, was 59 millions of dollars; the income 55 millions, of which 53 accrued from duties on imports. Under the combined effect of the war and the Morrill tariff, imports into New York, from 1st January to 23rd August, 1861, had fallen to 90 millions of dollars as compared with 159 millions for the same period of the past year. Assuming the customs duties to

produce one-half their former amount—and it is improbable they will reach this—a deficit exists of more than 30 millions of dollars upon the ordinary finances of the country. The whole of the war taxation imposed, is inadequate to fill this void. Hence the enormous cost of the war, and the interest accruing on the debt rapidly created, have to be supplied entirely by borrowing.

The first of these loans has been negotiated. No process is easier at the commencement, than running into debt; but subsequent demands are apt to be greeted with less and less cordiality, until at last it sometimes happens that the door is found to be entirely closed. The financial result of war is no new problem. At this moment contractors and schemers of all kinds are making enormous fortunes—their patriotism is ardent—they term those who counsel moderation, “miscreants.” There is also an accumulation of gold in the banks, confidence is unbounded, the apprehensions others have expressed, are ignorance. But in the autumn of 1857, which is but four years ago, no war existed, no convulsion occurred, no drain of money had set in—yet simply because the people of the West, having speculated in lands, had fallen into arrears of payment—a panic seized upon the city of New York, and ran throughout the country. The whole of the banks suspended specie payments—the wheels of commerce came to a dead lock—the community was plunged in despair. New York is poorer this day than at

that period. Her commerce has been depressed ever since, and there are now the enormous losses of this event. Will the present excitement be followed by no reaction — was that destined to be the last of panics? If such an effect was produced, so recently, by a mere derangement of Western exchanges, the conclusion is irresistible that under the agencies now at work, there will come again a day of panic, when every man's face will turn pale as before, and the whole financial fabric crumble again into the dust.

In all wars success has mainly depended on the military genius of the commander. As neither side can as yet claim to possess a general of established reputation, we are forced to inquire with whom military talent is most likely to be developed. General Scott has indeed proved himself an able commander, but his age and physical infirmities forbid exertion in the field, and to direct operations from Washington would be to repeat errors already well exposed. Several of the pages of history would probably read differently if the Archduke Charles had never been directed by the Aulic Council. Besides General Scott, although but three months since the popular idol, is already cast aside. The eventual hero of the war is yet to be discovered; on which side is he the more likely to appear?

On this point expectation must be guided by past experience; and the fact is remarkable, that so far all the generals of any eminence whom the

United States have produced, have been Southerners. Happily for the country, the list is not yet a long one, and Washington, Jackson, Taylor, and Scott, are the only names that occupy a distinguished rank. The probabilities of the future are therefore greatly in favour of the appearance of the ablest general on the side of the South, and up to the present time none can doubt on which side the greater military talent has been displayed. Closely allied with this consideration is that of excellence in the regimental officers, and probably in the present war (where great combinations, and elaborate manœuvres are not likely to be attempted) this may exercise a decisive influence. In this respect the advantage of the South is admitted by all. The natural disposition of the Northerner leads him to commerce, manufactures, inventions. Speaking generally, there is no class of landed gentry in the North. Those who have acquired or inherit fortunes, instead of sharing our taste for country life, regard magnificent houses in the cities and splendid furniture as objects of ambition. In the South, on the contrary, the large landed proprietors form a body of gentry, with many tastes and habits similar to our own, and their sons enter the army as naturally as those of the Northerner take to the counting-house.

Olmsted, by no means a friendly witness, observes: "It is undoubtedly true that the Southerners, compared with ourselves, are more ready to violence, more familiar with deadly

weapons, and more accustomed to resort to physical means of self-defence. It is also true, that they are generally less accustomed to luxury, and are more ready for camp life than we are. The wealthy young men have also been more accustomed to command, than the corresponding class with us." Familiarity with the use of arms, and the power of enduring camp life, are no mean advantages when a war suddenly occurs. From his youth, the Southerner is habituated to command others, and where there is the habit of command, there will be a correlative instinct of military obedience. The Northerner will obey with impatience, under feelings of restraint that seek escape. His position is repugnant to all his former theories; impatient of control as a child, impatient of authority as a youth, it is impossible he can be docile under the bonds of discipline. The constant idea torments him also, that his officer is no better than himself, and has no right to be so. The Southerner, on the other hand, will accept his position, whether to command or obey, as the proper order of things. Of personal courage there is abundance on both sides—no braver people exist. The Northerner undoubtedly is naturally as courageous as the Southerner; but all qualities are strengthened by use and association, and the Southerner is habituated to an indifference to danger and recklessness of life, unknown in the North. Such a people are not easily subdued. Conquests should only be

attempted by the more martial race ; but here the invaders are decidedly a less martial people than those to be subdued.

The late history of India strikingly proves how greatly the value of any military force depends upon the officers. The sepoy had proved their excellence as soldiers, in a century of war ; when the mutiny ejected their officers, they had abundance of their own well schooled in regimental knowledge. The force appeared the same ; its evolutions were perfect, it retained to the last an unbroken sense of discipline. But events soon proved it a mechanical thing out of which the spirit had passed, and the troops that for a hundred years had conquered, from Plassy to Sobraon, were miserably routed in every encounter. In the war of the Punjaub, the sepoy led by British officers overthrew the Sikh. A few years later the two races are again opposed, the sepoy under officers of their own, and now the Sikhs, whom they had vanquished before, drive them in terror from the field.

There is a direction, apart from, yet associated with military aptitude, in which the advantage is unquestionably with the South. Political ability will not decide the fate of a battle, but will tell with decisive effect on the result of a war. The superiority of the Southerners in this respect, none will question. Webster observed that it would be vain to dispute, that the lead in the politics of the United States, had been a Southern

lead. We have seen how great a majority of the statesmen of the Union they have supplied. The Southerners, indeed, are just as superior to the men of the North in political and military talent, as the Northerners are superior in mercantile skill, literary ability, and inventive genius. There seems a natural division of mental powers, in which, whilst those of the Northerner have a wider range, and may be greater in the aggregate, it so happens that those allotted to the Southerner are precisely such as are effective in war. Of this political capacity there has been clear evidence, already, in the history of the contest. On the part of the South has been witnessed from the first one direct, able, resolute line of action. Starting from the bare ground, with a village for a capital, they organized at once a complete system of government—placed their ablest men in office—passed laws adapted to their position—instead of insulting other powers, endeavoured to conciliate them—and in place of occupying their time in speeches, at once proceeded resolutely to prepare for the conflict that might ensue. In this there is power—stern, manly power—such as grasps the victory in war.

There is another difference between the belligerents, which, when forming an estimate of probabilities, we cannot overlook—difference of motive. The people of the North invade the South for the avowed purpose of maintaining the Constitution—for the real purpose of sustaining

that ambition which upholds itself on the magnitude of the Union. This motive affords scope for declamation—orators will handle it with exciting effect—they are now denouncing as “miscreants and traitors” all who counsel reason. Beyond this, it will strongly affect the minds of many excellent Northern men who believe that the Union is a benefit, and are oppressed with a gloomy feeling, akin to that of the time of Lord North—that with the loss of the Southern States the sun of America sets for ever. But these will not be the actual combatants. The enthusiastic Unionist, the excited Abolitionist will be found in clubs and committee rooms, not on the field of battle. Enlistment soon subsides into an affair of bounty—of contracts to raise men at so much per head. Conscription has already been muttered. Those whom we have described will be most of them the editors, orators, and contractors of the North. In the actual warfare will be found Irishmen, Germans, small farmers, mechanics thrown out of work. There is nothing in a Constitution, or in abstract conceptions of union, to rouse feelings of self-devotion in these—the bone and sinew of the army. Already has been seen a form of patriotism that no country ever displayed before—regiments walking away from the first field of battle to the sound of the enemy’s cannon.

All this will be different on the other side. The Virginian will fight in defence of his own soil, as the Northerner would fight were New England

invaded. With him it will be no ideal abstraction—no theme of declamation—no question of public policy. It is the defence of his own land, and his own home. This all can understand—every eye can see it—it speaks to every man—it rouses every heart. No matter to him about the rights or wrongs—the invader is on the soil. These men cannot turn away from the battle to seek their home; the battle is in the home.

The material obstacles which the South presents to an invading force, are matters on which a more positive judgment may be formed; they are those which apparently must decide the result. The force on the defensive has the advantage of choosing the position, on which to fall back, and accept an engagement. The invader comes on the strength of an assumed superiority, which he is bound to vindicate. To him retreat is fatal; and to pause, in the midst of a hostile nation, would be as one who hesitates on a sand-bank when the tide is rising around him. He has to answer every challenge, and to overthrow all that bar his way. It is true he may have the alternative of turning the positions that have been occupied; but even with experienced troops this operation is full of danger—with raw forces difficult in the extreme. Besides, in a country so vast, and of such variety, it will always be possible to select and occupy positions that cannot be turned, except under disadvantages so great, that the assailant is forced to attack in front as the lesser evil. If it

be considered that the garrison of a fortress is increased fivefold in strength by its position, it will be apparent how great the advantage of that choice of ground, which carries with it the power of entrenching and of crowning prominent points with guns of position. The Russian army at Borodino could not have withstood that of France for an hour on even ground, but the choice of position enabled it to inflict most disastrous loss on its assailant.

The danger of panic, to which raw forces are exposed, will be greatly influenced by this choice of position. In regular armies the original courage of the man is increased as a soldier. He feels himself surrounded by the disciplined strength of the regiment, and mentally participates in the power of the whole. In its ranks he marches to an assault which he could not face as an individual. With undisciplined troops, on the contrary, each man has a consciousness that the rest are no better than himself. This instils into his mind a sense of weakness, instead of power, and he becomes less brave as a soldier than he was as a man. A mob will run away from an alarm that would disturb no person in it, if alone. Panic is in no degree proof of cowardice; it has happened to very brave troops. Some races are especially liable to it; the more excitable a people the greater the danger. It exists too in the ratio of intelligence, and an army composed of orators or professional and literary men would be more exposed to it

than a mass of Russian serfs; for as an emotion of the mind, a mental epidemic, the more mind there may be in any force, the greater its exposure to the danger. Some proof this how detestable a thing is war, since the nearer man approaches to the animal, the better he is fitted for it.

The results of panic are so fatal as to render it important to consider which of the combatants will be the more exposed to it. The usual causes are repulse in attack when exhausted by previous exertion, confusion in executing movements under fire, or terror of cavalry. To these the assailant is especially liable. The force on the defensive may be stationary, has few movements to effect, and is partly sheltered by its position. If driven out, perchance in disorder, the woods are near for shelter, every house being that of a friend. On the other hand, the assailant has to execute movements, frequently to climb steep positions and encounter an enemy waiting to hurl him back. Again panic springs from a sense of insecurity, always nearer to the minds of those invading a hostile country, than to its defenders, who possess the confidence of a man in his own house. To the causes therefore of this fatal danger the invader is peculiarly exposed, whilst to him the consequences are also more disastrous. The defenders disperse to reunite afterwards, as we constantly experienced in the revolutionary war. With the assailant, fairly advanced into the country, the effect must be ruin to the campaign.

There remains a consideration which, if all those examined were omitted, appears decisive of the question. Space is an obstacle that numbers cannot overthrow, nor enthusiasm surmount, nor skill circumvent. Space was the true victor in the revolutionary war; it was the real conqueror in the invasion of Russia. There the cold aggravated the horrors of the retreat, and the picture of those sufferings is engraven so deeply in the mind as to leave the impression that frost and snow were the cause of ruin. But the army of Napoleon was wrecked before the frost appeared. But ninety thousand men set out to return from Moscow of the five hundred thousand that crossed the frontier. There was no frost until long after every desire had passed away, except that of escape. It was not the soldiers, nor generals, nor the cold of Russia, but the space which had caused this. The distance from Washington to Montgomery is a little beyond a thousand miles. What strength will be left in any man after marching a thousand miles, carrying an oppressive load, fed with indifferent food, sleeping by night on the ground, harassed at intervals with special exertions and fatigue? What proportion of any number will reach the end of such a march?

And a thousand men are no more capable of resisting these influences than one man. In this direction numbers have no accumulative power; whatever exhausts the strength of one of them, may prostrate all. That invasion of Russia is a

*In Russia
it was the
want of an
efficient
communication
- not the cold
Telegraph
Railways
immediate
space.*

striking illustration of the probabilities of the present war. There is no superiority in the North to be compared with that which the French possessed. They captured towns, they overran provinces, they won the most terrible battle on record, they reached and obtained the very object of their march. But the length of that march, from Warsaw to Moscow, had ruined them. Russia was not an ordinary kingdom, the loss of whose capital is a decisive blow; it was an enormous space—a huge body without a heart. The sword might be thrust into it anywhere, nowhere with mortal effect. It was cutting water with a knife. So with the Southern States, there is nothing at which to strike—no vulnerable point. An invader may march through them and countermarch—cross them and recross—but after all this they will continue in a military sense about as capable of continued resistance as before.

But the conditions of the present conflict may be illustrated more closely than by the Russian campaign. It is simply a repetition of our own experience on the same soil. The North protests against rebellion—so did we. They invoke the laws, the integrity of the empire—we did the same. We also possessed an overwhelming naval force and blockaded the ports. They believe that large numbers in the South are really in their hearts favourable to their cause—so did Lord North. They undertake to vanquish space—we made the same attempt. Hence, there is no new

problem, yet to be solved ; the subject has been explored, the results are well known. Moreover, we undertook no easy task when compared with this. We had the advantage of veteran troops to oppose to raw levies. We had a much greater superiority in population, in wealth, and credit. We had a great military prestige. We really commanded what is now but hoped for, a portion of the people, including the city of New York, not only favourable to our cause, but actually fighting on our side. And our object was but to subdue the country that borders the Atlantic ; on the present occasion there is an empire to overrun of which that might be a province.

And what can the invaders effect that we failed to accomplish ? We defeated the opposing force in every battle in the open field. We took the principal cities, New York, Philadelphia, Charleston, Savannah, Richmond. The present invaders can hardly do more. And if so, why the failure of eventual success ? Simply, because it was beyond our power to overcome this obstacle of space. Victories were barren of result, for troops that will disperse into woods can just as readily re-assemble. The process becomes one of endless repetition, cutting off the head of a polypus that grows at once a new one in another place. To take prisoners was to be encumbered with so many units of a multitude ; to carry a position was only a step in the journey towards another. And if there be those who demur to the facts, and recall

Saratoga and Yorktown, it will be found on examination that both those cases confirm the views expressed.

Burgoyne, a man of good military capacity, invaded the State of New York from Canada. Capturing Crown Point and Ticonderoga, his advance was a continuous triumph. Washington with his army was remote from the scene of action, and no opposing force was capable of effective resistance. But as he advanced step by step, his strength diminished every day. The country was all but in a state of nature; he had to cut his way through forests, to build bridges over streams, to make roads across swamps; there were no resources to enable war to support war; stores had to be transported from a distance at enormous toil and cost. Whilst this was in progress the hostile militia were converging from all quarters. He had cut his way through the woods and swamps to the vicinity of Saratoga, where in the midst of inclement weather, with provisions exhausted and his troops prostrated with fatigue, he found himself surrounded by these multitudes of militia, and all supplies intercepted. He resolved to treat rather than starve, or fall back to perish in detail; and a convention was signed, under which his force was to proceed to Boston and thence to England. We sent transports for the men, but they returned without them. Congress gave to the people the first lesson in repudiation: they were detained as prisoners throughout the war.

The disaster of Yorktown resulted from similar causes. Cornwallis opened the campaign with one unchequered course of success. He overthrew all that opposed him in both the Carolinas, and proceeded onward into Virginia. Here, like Burgoyne, he was surrounded—by Washington on the north, and the French under Rochambeau in the south, and eventually yielded to numbers. Both cases are thus striking illustrations of the danger of invading a country of vast extent, the people of which take active part in the hostilities; and show how a military force, though triumphant at the commencement of its progress, yet when thinned and exhausted by the effects of a campaign, may be surrounded by troops of inferior quality, and compelled either to starve or to surrender.

To all these dangers an army invading the Southern States will be exposed. It may advance full of ardour and hope, but in every skirmish there will be some diminution of its strength, every march will leave some stragglers behind; it grows weaker at every step, whilst plunging daily further into the midst of the enemy's strength. An army is a machine organized to fight an army, not to contend with a nation. The principle of its construction unfits it for this purpose. Its strength is that of concentration—when it ceases to be a compact body that strength is gone. But the people by whom it is opposed are diffused over a vast space, dispersed beyond its reach, and they close again over the pathway it has made

as the waters close over the furrow of a ship's keel.

The United States declared war with this country in 1813 ostensibly for the purpose of compelling the relinquishment of the right of search, really to take Canada, which all assumed to be an easy prey. The conquest of Canada, then peopled by a handful of men, was a small undertaking for the power of the Union when compared with that now attempted by part of it. Yet not only were all the invasions of that province miserably abortive, but repeated efforts failed even to penetrate the border of the country. Clear evidence appears in this, that forces organized like those of America, however efficient they may be in defence of their own soil, are altogether unequal to the invasion or conquest of another country inhabited by men of the same race.

It remains to consider the means by which the people of the North propose to accomplish this difficult undertaking. The first measure carried into operation, the blockade, is one, as we have seen, entirely inefficacious as a means of subjugating a nation. The colonies of Spain, when they revolted, as well as our own, were all of them blockaded—equally in vain. It will cause individual loss, and add to the difficulties of the Southern government; but the men who make revolutions are not those who shrink from difficulties. To the South, it will be injurious; to the North, disastrous in the end. It led at once to privateering in retaliation,

which, if the war continue long, may become an intolerable nuisance to Northern trade. It stops the supply of cotton to the Northern mills, and will soon paralyze the most important branch of their own industry. And in the end it will probably lead to the interference of European powers whom it might have been far wiser to leave in the position of disinterested parties.

But although this use of its naval power appears as unwise as we hold it to be unconstitutional, there are other directions in which it may be employed with effect. It enables the North to threaten every point on the coast, and to compel the defenders to maintain a force at each of them. Five thousand men threatening any one of ten points, and compelling but two thousand to be maintained at each, will thus neutralize four times its own number. Where numbers are so large, this loses much of its importance, but there remains the power of actual attack by naval expeditions. At first view this would appear very practicable; on closer examination, such operations will be found full of difficulty and danger. The coast of the Southern States is remarkably bare of harbours. The whole of these of any importance are defended by fortifications, generally believed last year to insure their safety against any possible attack; if these defences were impregnable then, they should be equally so now. Naval expeditions in summer would land the troops in a climate fatal enough without other foe; and this is so well known, that

such operations must of necessity be confined to the winter season, when transports crowded with troops must be exposed to disastrous losses upon a coast so dangerous at that period of the year.

Assuming these hazards to be surmounted, and a landing effected on some point of the coast, the expeditionary force would then be placed thus. It will consist of numbers insufficient to act with power as an independent army, for we know what is required to transport 30,000 men even over a smooth sea, from Varna to Eupatoria. On its appearance off the coast, telegraphic messages would flash over the South, and every railway would hurry down the militia of the neighbouring States. To these would be added the Confederate troops directed to the spot, and before the invading force, after establishing a *depôt*, could make its first inland march, it would be faced by an enemy superior in numbers, in possession of all the positions of defence, and growing in strength every hour.

It cannot be difficult for the Northern power to equip expeditions of this kind at New York, and to capture with them several of the small harbours in the Southern States, such as Fernandina, Brunswick, St. Augustine. To what effectual result? Were we at war with France, and had they possession of the seas, it would not be difficult for them to capture Whitehaven, once attacked by Paul Jones, or to take possession of Bantry Bay as they did before. How far would such opera-

tions extend in subduing the English people? As the Southern States are twenty times as large as England, what can be the effect of such operations in subjugating them? The policy of the North is so to conduct the war as to avoid delay and disastrous expenditure, by concentrating its strength upon a vigorous, overwhelming, decisive blow. Time is a fatal foe—time means ruin through expenditure—time works out the recognition of the Southern power—time divides the North into two hostile parties, and may awaken civil war within itself. Slow and desultory operations (except for the purpose of amusing the populace) are therefore opposed to the interest of the North—beguiling attention from the vital importance of time—ruinous in cost—and incapable of decisive result.

And there are special objections to this mode of warfare in the present instance. Peace must follow war; and here the object is to conquer, yet not to embitter, those who are to be retained as fellow-citizens. Great armies may overthrow a country, and after a time the fact may be calmly regarded as an affair of history. Even where great battles have been fought, trees will soon clothe their shattered limbs with a fresh foliage, and where ruts have been cut deep into the soil, Nature ere long will smooth them with a coverlet of green or golden harvest. But when in place of the operations of great armies—instilling rather a sense of solemnity than one of hatred—the shores

of a country are ravaged by expeditionary attacks—if towns are to be bombarded, houses wrapped in flames, churches pierced with hostile shot, and the defenceless included in the common ruin—this kind of war drives a barbed sting into the memory of a people that will rankle ever after in the wound.

Another objection to warfare thus conducted is the excessive loss of life it involves. None have had more sorrowful experience of this than ourselves, nor is any page in our records so dismal, as that which narrates the history of the Walcheren expedition. There is slight danger in the climate of any part of Holland, when compared with that to be encountered in the Southern States. Nor is the climate the only cause of more than usual fatality. In operations of this nature it is essential to avoid delay, in other words, it is imperative to abandon the precautions by which, in ordinary warfare, loss is spared. Rashness becomes a necessity of the case. Life must be wasted that time may be saved. The current of human blood must flow warm and quick, and spurn the slow economy of engineering toil. And, what force can issue from the North more full of hope and promise, more gallantly arrayed, than that with which we attacked New Orleans in the last war? What more impressive lesson could be offered, than may be read in its disastrous fate? Sad, to think that brave men—brothers too—are again to be employed, digging them graves in those dank, festering swamps.

A few miles below the city of New Orleans lies a narrow, level plain. The sullen river forms its western boundary; between the other margin and the lake, intervenes a swamp of stunted brushwood and ill-shapen trees. Passing over it, years ago, the grass was long—luxuriant; but silence was all around—unbroken solitude. No sign of man appeared—nor foot of beast—no voice—no sound—not the faint tread of any falling leaf—no smoke to witness human life abode there. No creature moved upon the ground—no bird broke the stillness of the air. The glittering sunlight seemed to mock the loneliness, as sprightly music grates on one who grieves. Alas, for our gallant host that once stood upon that plain! Alas, for those that never left it more! Whoever turns the sod may learn how thick they fell—how many, who thought to be folded to their last sleep in the old maternal breast, lie there—for ever—in that clammy soil.

The only practicable line of operation appears to be that already adopted, having its base on the Potomac. Virginia is a highly defensible country, especially against attack from the North, as its rivers run east and west, and so form natural barriers in the way of the invader. The country is hilly, abounds in forests, the people the most martial, and the best horsemen of the Union. Let it be assumed that the army issuing from Washington fight a great battle and achieve a victory. Their inferiority in cavalry, and the nature of the country, render it improbable that

any great military results would be gathered. The defeated force might fall back on their position at Manassas, or further south on Fredericksburg, there joining their depôts and calling in the forces at Acquia Creek and other detachments on the river. Here another battle might perhaps be fought, and again we assume the Southerners to be defeated. There are not less than three strong positions between that town and Richmond, said to be fortified, and ample time has been afforded for this, whilst the Norfolk arsenal would supply an abundance of heavy guns. Probably, another engagement might be accepted at one or more of these positions, in which we again assume the Southerners defeated, and thus at length the Federal army would approach Richmond.

That city has the resources of an old State capital united with those of a commercial town. It has iron foundries and other establishments, and its close connection with Norfolk places at command the appliances of the finest naval arsenal in the United States. Surrounded on the North by a country highly defensible and systematically fortified with earthworks, and protected on the South by the James River, Richmond would present to veteran troops a formidable object of attack. Within the intrenchments would be assembled the population of the city, the militia of the adjoining counties, and the support arriving from other States, in addition to the retreating army. The Federal forces would therefore en-

counter the task of assaulting positions fortified with heavy guns, and defended by numbers probably larger than their own—fighting on their own ground—animated by a spirit, of which those alone can judge who have been amongst the people of the South. It is difficult to suppose that raw troops, led by officers equally inexperienced, reduced and worn by the losses and hardships of the campaign, will be equal to the undertaking before them. Let us, however, assume that they accomplish it, and that the Confederate Government return to Montgomery.

The next object of attack, of primary importance, would be Charleston. The overthrow of Virginia would be accompanied by a heavy drawback—the necessity of holding it down, of stifling the guerilla warfare that would arise, and of maintaining in security the line of communication with Washington. The State being as large as England and much more defensible, its people intensely hostile and embittered by defeat, the strength of no small army must be absorbed in this duty, before further advance could be made. The strongest army that has yet appeared in the North would hardly suffice for this purpose even after the disappearance of the regular army of the South. It is not, indeed, until after the conquest of the first border State, that the Northern force will begin truly to realize the nature of its enterprise. The anxiety and difficulty of the invader are in the rear. A hostile State must first be passed over

that a rear may exist, before this will come into force.

Let us assume that an army has been provided to garrison the towns of Virginia, and hold down the State, and that another is ready to advance to the attack of Charleston. That city is defended on one side by a noble harbour, and on two others by large rivers, the Ashley and the Cooper. To complete the circuit requires only a line from river to river, across the intervening ground by which alone the assailants can approach. Here would be assembled the spirited population of the city and State, and the forces of the adjoining States of Georgia and Alabama—the militia of the three being in number, by the last army register, 191,362 men. To the strength obtainable out of this number would be added that of the retreating army, and the aid from distant quarters. In all probability the defenders would be much more numerous than the assailants—reduced as the latter would be by no ordinary march, for the distance from Washington to Charleston is 650 miles. To attempt an attack if such were the circumstances would most probably be to invite a disastrous repulse, and expose the assailing force to the fate of Burgoyne. And after all, if Charleston were taken, it need of necessity have no more result upon this war than when taken by us in that of the Revolution. New Orleans is as independent of it, in any military sense, as Lisbon of Constantinople. When taken by us,

John C. Calhoun

after a gallant defence, it cost more in the garrison it absorbed than we ever gained in any advantage from its occupation.

An operation has been proposed—the descent of the Mississippi from Cairo, which, to any one acquainted with that river, has almost a ludicrous aspect. Such a measure may be classed with that of calling out volunteers for three months, for the purpose of subduing a country, merely to cross which would be at least a four months' march. From Cairo to New Orleans by the river is about a thousand miles—the whole length in the hands of the enemy, and all commanding positions mounted with guns. Troops could not be conveyed in the river steamers, all of which have the boilers above the deck, and are of the flimsiest and most inflammable construction. It would be the work of years to construct such a flotilla as might face the fire of artillery, and would be sufficient for the transport of forty thousand men and the stores required. It has, indeed, been proposed that the troops should march along the banks of the river, using it only as a mode of conveying the heavier stores. The banks of the Mississippi for hundreds of miles of its course are one dreary, monotonous scene of interminable swamp and jungle—impenetrable to other progress than that of snakes and lizards, and dismal as a camping-ground even for the mosquitoes, that are the only inhabitants. If, at a very wide distance indeed from the river, such a march were accomplished,

few would be likely to arrive at New Orleans in fit condition to attack the fortifications that would await them, and to defeat many times their own number, whom there would have been ample opportunity to assemble during the four months that march must occupy.

There is a resource which has been frequently alluded to—abstinence from which has been described as proof of almost sublime magnanimity—that of declaring at once emancipation of the slaves, and so prostrating the South at one fell blow. This at first, as the resolve of some principle shrinking from no sacrifice, all would have respected, whatever the opinion of its wisdom. Now, as an act of revenge and spite, because the people of the South could not otherwise be subdued, it would stamp on the page of American history a stigma dark and indelible—that never, we trust, may appear there. Beyond this it would be an impotent act of vengeance. If the negroes resolve to rise, they will wait for no act of Congress—without such resolve on their part, a proclamation would be addressed to the idle wind. And how would it help the slaves to rise who are a thousand miles off—who is to take it down there, to read to them—to go provided also, as he need be, with railway tickets and other arrangements for the removal of four millions of human beings? To leave them where they are, would simply be to light the flames of servile war, and this, as we have seen, would speedily be quenched in blood—

leaving only behind the waste of so much human life, and a never-dying memory to avenge.

The proclamation of Fremont is another striking illustration how with politicians this great question is simply one of the convenience of the hour. The Unionist—the Northerner in sentiment, may retain and rejoice in his slaves; in the Southerner it remains a crime. Slavery has existed in all ages, in many countries; here alone conscience has been graduated—reduced to calculation—taught to discover in the slave three-fifths of a man—to discern in him a thing, “contraband of war”—and now to declare the ownership of him a party-coloured crime—sinful in the opponent, blameless in the ally. What conceivable outrage on principle could be more worthy of a proclamation that copies the ferocity of the Mexican creole, and ordains that fellow-countrymen are to be shot, and this in the name of Union—for the simple crime that, as citizens of the State of Missouri, they obey the orders of the lawful authorities of their State?

It results from the previous considerations that there is but one contingency that might permit this conquest to be achieved. It is possible that a series of victories won by the North might, although barren of military result, induce feelings of despondency, of panic, and thus induce the people of the South to lay down their arms. This seems indeed the only theory, or rather hope, consistent with reason. On what ground can it be

based? We have seen the extreme improbability of such victories, but assuming that they should occur, New Orleans is 1,400 miles from Washington; no panic can span that distance. No reason appears why greater effect should be produced by the capture of any city than by that of the capital when taken in the last war. On this point, on the 28th January last, Mr. Iverson spoke thus in the Senate: "You boast of your superior numbers and strength, but remember that the race is not always to the swift, nor the battle to the strong. You have 100,000 fighting men; so have we. And fighting upon our own soil, and to preserve our rights, and vindicate our honour, and defend our homes, our firesides, our wives and children, from the invader, we shall not be easily conquered. You may overrun us, desolate our fields, burn our dwellings, lay our cities in ruin, murder our people, and reduce us to beggary, but you cannot subdue and subjugate us to your will. You may whip us, but we will not stay whipped. We will rise again and again to vindicate our liberty, and to throw off your oppressive and accursed yoke, and we will never cease the strife until our race is extinguished, and our fair land given over to desolation."

This does not seem the language of those who will lose heart on a defeat, or on a series of defeats, or who, possessed still of ample means of material resistance, will be subdued by moral dismay. Where hatred exists, defeat adds to its bitterness—it does not change it to alarm. We

have already seen what ties were severed—what long-continued efforts were made by this same people when the only motive that existed was the desire of self-government. Success was then achieved through a long and often dismal career of losses and defeats, by the simple power of perseverance. The policy to be adopted now by the leaders of the South needs no invention. They have but to retreat and endure, leaving time and space and the expenditure of the North to decide the contest. Defeats in battle occurred before; perseverance triumphed in spite of them. This knowledge indeed gives now a support which their fathers had not. With them it was a desperate venture, of which the end had to be darkly conjectured. Now, to the force of their example is added the sustaining power of full knowledge of that result.⁴ And the prize that allures ambition is incomparably more dazzling than any hope of the earlier time. There was then the desire of independence, with no accompaniment of other gain. The colonies had no material interests to be promoted by the attempted change, and there were some that looked to suffer and did suffer heavily for years. Here, to the old desire of independence and self-government, is added the escape from the thralldom of Northern monopolists, and liberation from a rule not only regarded as alien, but felt to be repulsive.

There will indeed glitter before the eye of the aspiring an empire in the future far beyond that

of the colonist—an empire extending from the home of Washington to the ancient palaces of Montezuma—uniting the proud old colonies of England with Spain's richest and most romantic dominions—combining the productions of the great valley of the Mississippi with the mineral riches, the magical beauty, the volcanic grandeur of Mexico—and commanding the materials of commerce throughout this wide expanse, from the Atlantic to the Pacific, no longer trammelled by the restrictions nor taxed by the cupidity of others. To these as incentives to effort or motives for endurance, those were feeble that sustained this people in their previous struggle. Here are objects that stimulate ambition, inflame imagination, enkindle hope, engrafted upon others that address themselves to reason and to justice. All know the tenacity with which in every age and country nations have clung to the thought of liberty. And no instance can we find where, in addition to that impulse, there were motives so powerful as these. In this view we must expect that the people of the South will maintain this struggle for their independence as arduously, and for as many years, as were needed in the first instance to acquire it.

What, then, must be expected as the issue of the war, in this anticipated perseverance of the Southern people? We have seen that they possess the advantage of greater experience and natural aptitude, both in political and military

affairs—that their habits are better adapted to the hardships and dangers of war, to authority in command or alacrity in obedience—that their choice of positions more than supplies the place of numbers—that the financial effects of the war will be to them of comparatively easy endurance—that they have in their favour space and time—and that ample motives exist for that perseverance which is all that is requisite to insure success.

Hence we conclude that the attempt to subdue such a country and such a people is a lamentable delusion—attempted, not as the decision of calm judgment, but the rash result of that unreasoning excitement to which the people of the North are now subject. If this be so, it follows that a continuance of the war can have no other result than to leave the people of the South in possession of the political liberty they now possess, and to burthen the North with a crushing load of debt, that will have purchased nothing but taxation to themselves, and bitter memories to descend as a baneful legacy to future generations.

CHAPTER VIII.

GENERAL CONCLUSIONS.

WE have observed that this country is not a disinterested spectator of the present conflict, but, on the contrary, is even now suffering from its consequences, whilst soon the largest branch of our industry will be paralyzed, not from incidents inevitable in war, to be endured with resignation and long-suffering patience, but from a deliberate, and, in our judgment, unnecessary act of one of the belligerents. As our population more or less depending on the cotton trade is estimated at four millions, the amount of destitution and woe that may be inflicted by the sudden deprivation of that material, is such that the mind shrinks from the attempt to gauge it. For how many years is this to continue? We see nothing to prevent the present war from lasting, as civil wars have always endured, for a long series of years, unless, indeed, a financial collapse of the Northern power should bring it to a sudden termination. A year will very soon have elapsed since the formation of the Southern Government. In that time the people of the North, so far from having made any progress in the contest, are clearly further from the

subjugation of the South than at the commencement of the campaign. They have expended an enormous sum, sustained a deplorable defeat, and exposed the hollowness of their military system; they are now dividing into parties rancorously opposed, and their forces remain within sight of the original starting-point.

It has been strongly urged that we have no right to think of the position of our own working class, or to give any heed to what may appear our own interest in the eventual result, and this on the ground that great principles are at issue which command our deference. One of these is that love for law and order, which, it is argued, should enlist our sympathies with a Government struggling to crush rebellion. This argument is weakened in its force when it comes from men who, so far in their history, have never themselves permitted an opportunity of sympathizing with rebellion to escape. As each of the colonies of Spain revolted none were so eager to encourage the rebels; and when the attempt at insurrection occurred in Canada none were more prominent actors than American citizens, under the name of "sympathizers."

This, however, would not affect whatever merits there may be in the plea. Assuredly there is no disposition in this country to lean in favour of turmoil; but we cannot realize an act as that of rebellion or treason or piracy, simply because these names are applied to it. We are told that in the

*so did
Geo Cairnes
"I have seen
a new world
into existence
to red up an
balance of
old."*

United States the people are the sovereign. Here is *pro liberty*
 an act committed by many millions of this sovereign *have rebelled*
 people; against whom do they rebel? Can a sove- *against the*
 reign, or a large portion of a sovereignty, be a rebel? *United States*
 In the usual meaning of our language rebellion is
 an act of the subject. Are, then, many millions of
 the sovereign people of the United States subjects,
 and to whom? Who is the monarch so supreme
 that in comparison even the sovereignty of the
 people may be termed a rebel? Is it the law?
 But where is the law? Assertions are not laws,
 nor yet ambitious theories, nor yet conceptions of
 advantage. Laws are enactments solemn, compre-
 hensible, on known and legible record. Where,
 then, is the law which the States of the South have
 broken? And if in America the Government be
 merely an agent, then, as there exists no law that
 forbids the secession of a State, against whom or
 what do they rebel?

It is true we are a loyal people, but ours is not
 the loyalty of those who hug the trappings of
 divine right; ours is a loyalty based on reason, on
 experience, on full knowledge that in union with
 the advantages of order we enjoy the blessings of
 liberty. And our love of liberty is so strong, that
 we cannot spurn the desire for it in others. Be
 our ignorance of the merits of this question ever so
 great, we behold a country of vast extent and large
 numbers earnestly desiring self-government. It *It proposed*
 threatens none, demanding nothing, attacks no one, *no terms of*
 but wishes to rule itself, and desires to be "let *separation*
at all - & it
make the first
attack on
the US people

*What if
- territory?*

alone." Another portion of the same country, stronger and richer, asserts that it shall not rule itself, and proceeds to invade it with fire and sword in the name of free institutions.

Institutions may be wise or beneficent, but when imposed on a great people by force of arms will they be free institutions? We feed a slave well, we clothe him, we attend to his health, we surround him with protection—he eats and sleeps, grows strong, and is full of empty laughter—yet he is a slave. There are no chains that clank upon his limbs—we have imposed fetters on his will. Slavery, then, is not material but mental—not bondage of the man, but imprisonment of the man's mind. When the mind, the will, of a great people is restrained and directed by force of others, in what does it differ from this? What is liberty? Is it permission to grow cotton, or the privilege to live and trade? These things may be done in Abyssinia. There must be a something above, beyond these things—the freedom of a people's will. If this be denied, where will liberty be—in what will it consist? That noblest of man's possessions was never yet allotted to him, as the gift of great armies coming upon his soil. Never yet have the strong invaded the weaker—to impose liberty upon them. They who invite us to sympathize with overwhelming force, or to approve the armed invasion of a free people, may invoke law, or compact, or grandeur, or trade—they cannot beguile us with the name of liberty.

Is any other principle really involved in this contest? The people of the North might have resorted to force to emancipate the negro. Had they done so, all thoughtful men would have shuddered at the probable consequences of attempting such a change by such means,—yet would have looked with respect on so magnanimous a sacrifice. We have seen on ample evidence that no such object existed—that on, the contrary, the sole purpose of the war was to retain the South in the Union, and with it, to retain and to perpetuate Slavery in the Union. The Abolitionists would have us to believe the reverse of this; they tell us the reason, “that this war has not been proclaimed a war for the emancipation of the negro, specifically, was because the extent and magnitude of the issue transcended the wants of any particular race, and had to do with the very existence of free society.” This transcendental freedom is too ethereal for the present world. The words of Mr. Lincoln are less elaborate, they appear the truthful words of an earnest man. He, as President of the United States, not only abjured this as the object of the war, but, as we have seen, expressed his willingness that by an amendment to the Constitution, Slavery should be made irrevocable in the States, so far as the Federal power could extend.

By this time, indeed, the true purpose of the war must be plain to any comprehension. It is simply the old ambition in a new guise. Formerly it filled the breast of one man; when it impels a

*this is
in my fall
the federal
power
never claim
a power of
meddling
w/ slavery
except to
exclude it
when it does
not exist.*

*must a
recognition
of state
rights*

sovereign people it cannot be less selfish and may be more reprehensible. Sovereigns, too, who have gone forth to invade and subdue have attacked other races and acted without disguise. It remained for the present time to witness one part of the same people attempting to subjugate the other. Whatever be the apology or the motive—the fact is there.

Exactly so

And beyond the question of any principle at issue, we have been told that we are under some peculiar obligation which we cannot rightfully discard—that there exists some fine, imperceptible tie that should be binding upon us, upon our thoughts, opinions, sympathies—that we are, indeed, the “natural allies” of the Northern power. In what consists the evidence of this natural alliance; what fruit has it yielded by which it may be known; what treatment have we received at the hands of the Union that should leave us under this sense of obligation, or awaken an eagerness on our part to see that Union restored?

A French writer, Raymond, comments upon the singular fact that whilst between England and France but one serious quarrel has occurred since 1815, there have arisen during the same period twelve or thirteen most serious difficulties between the United States and ourselves. He makes the observation that when people play so often with fire it will end some day in a conflagration. Now if these incessant difficulties have arisen from faults of temper or an over-reaching spirit on our part, it

appears remarkable that such a disposition should not have affected our intercourse with France. When such qualities exist they are usually well known to the nearest neighbour.

Since the period of American independence we have had two great wars. On each occasion we resisted great military empires in support of weaker powers who were struggling to maintain their independence. When thus employed we had some right to expect the sympathy, if nothing more, of those who have made the name of independence an object of idolatry. But throughout the whole of our struggle with Napoleon the sympathy of the great majority in the United States was with the military despot, not with the free people; and at length, when our strength was supposed to be fully occupied, our "natural allies" took the opportunity to make war upon us for reasons equally applicable to France, and for the real purpose of taking from us some of our provinces. The other great war was with Russia—a war entered upon against every narrow calculation of interest, to prevent a weak power from being trampled down. All know with whom was then the sympathy of the United States; and Golovin, who, as a Russian, should be a good authority, remarks that "the true secret of American sympathy with Russia on that occasion was hatred of England." We have had minor wars with China, conducted on the principle of throwing open to the world every advantage obtained by ourselves. On one occasion

we invited the co-operation of the American Government, but in vain, and every opportunity was seized to thwart our policy. Even the Chinese know they may expect to see the flag of any other power in union with our own, but never that of America. There was, indeed, a moment, when our men were falling under a murderous fire, that for once an American was heard to declare that "blood was thicker than water." It would ill become us to forget the noble conduct of Commodore Tatnall on that occasion. He was a Southerner, and is now a "traitor and a rebel."

The Oregon boundary question was pushed to the very brink of war, when for peace' sake we were constrained to abandon our settlements upon and possession of the Columbia River. There was subsequently the Maine boundary question. Let any one take the present map of the United States, and consider, as a matter of reason, whether, when peace terminated the revolutionary war, a boundary line would be so drawn as to sever our colonies in two, and this at a point where nothing existed of interest or value to the United States. That peace was negotiated by Franklin. When the treaty on this subject was made by Lord Ashburton, the Government of the United States was in possession of the map sent by Franklin to the French ministry, and deposited in their archives—a map authenticated by a note in his own handwriting. On that map appeared a strong red ink

line drawn by Franklin's own hand, and referred to in his note. The Government was also possessed of a map found in Jefferson's collection, on which again a similar red ink line delineated the true boundary. Franklin's map was discovered by Mr. Jared Sparks, who, when forwarding it to the United States' Government, wrote thus: "The line is bold and distinct in every part, made with red ink. There is no other colouring on any part of the map. Imagine my surprise on discovering that this line was wholly south of the St. John's. It is exactly the line contended for by Great Britain, except that it concedes more than is claimed." All this evidence was produced before the Senate—Jefferson's map as well as Franklin's—the two as Mr. Rives observed, "coinciding minutely and exactly." Here was absolute proof of the truth. Yet it does not appear that any was found in that Senate to rise and say, "Let us do what is right; we see in Franklin's own handwriting—as though he had risen from the grave to instruct us—what was the true boundary agreed to by him; let us obtain no advantage by concealment of these maps, but seek what is just to others and honourable to ourselves." In the place of such sentiments, it appears to have been considered a clever thing to cajole a British negociator, and to sever Canada from New Brunswick.

The boundaries of the waters have been disputed as well as those of the land, and there was the tempestuous question of the fisheries along the shores

of our own coasts. To this followed the Crimean enlistment difficulty. In that case, unquestionably, the zeal of subordinate officers, who foolishly imagined that American sympathy would be with the oppressed and with us, carried them beyond a proper limit; but their action was instantly disavowed by our Government. At the worst, it was assuredly no ground to subject this country to the coarse insult of dismissing its minister from Washington. The Central American question, another of this prolific family, was, after endless difficulties, apparently adjusted at last by the Clayton-Bulwer treaty, but this question had a second life. After the dispute as to the territory was settled by the treaty, the treaty itself had to be disputed, and the remarkable effort made of teaching us the signification of the words of our own language; all of which ended, as usual, in our retiring for peace' sake from positions occupied by us before the United States had come into existence. Then sprung up with sudden violence the question of searching slavers, which threatened us with "broadsides first and explanations afterwards," and which resulted in the fact, that the slaver has only to hoist the "stars and stripes" as the shield of his iniquitous traffic and go on unharmed. Last, so far, was the seizure but the other day of the island of San Juan—a little islet, as natural a dependency of the great island of Vancouver as are the Scilly Isles of Cornwall. This was seized and occupied in military force,

although at the time the commissioners of the two countries were employed in drawing the boundary. The event might have kindled war between the two countries, had not the admiral on the station refrained from using his overwhelming force to throw the invaders into the sea. This remains on hand, a pending difficulty, for our offer of reference to an impartial power has not been accepted. When it reappears, the doctrine of the Ostend manifesto need but to be applied, to demand Vancouver's Island as well as its little dependency.

From this sketch of the treatment received by us from the Union it would hardly appear that we are placed under any obligation, or burthened with the duty to desire its continuation. Is there in the history of modern times, any instance of similar treatment received by one great power at the hands of another? Nor does it appear likely to amend, now that the North has taken the rule into its own hands. No American could be unaware that the Morrill tariff would be a grievous injury to this country. They know that with the exception of tobacco, taxed for the sole purpose of revenue, we receive their products free of duty. We hear of no one who cared to think of the gross injustice to us of this return. It would be just to impose on American cotton, to promote its growth in India, the same duty they imposed on our iron to promote its manufacture in Pennsylvania. They know well we shall not do this. They inflict this injustice upon us in the firm

reliance that we shall not retaliate, just as it is perpetrated on the South in the belief that they are helplessly fast in the Union.

The next measure taken by the North was that of blockading the Southern ports, an act of mere arbitrary power; for no one will pretend that the Constitution confers any such power on the Government, or that the law of the United States permits this punishment for treason. It is directly opposed to the position taken by themselves recently when the King of Naples blockaded rebellious ports. It may be expedient to copy the Neapolitan king, but it cannot be right to assert principles, and reverse them, to suit the convenience of the hour. Nor, was it unknown at Washington how vast and helpless is the industrial population in this country, in dependence on the cotton trade for daily bread. They could not be ignorant that a campaign, if victorious, would render a blockade unnecessary, and that if unsuccessful it would be futile. Yet for the sake of this means of inflicting mere injury and annoyance, they do not scruple to jeopardize the existence of some millions of our people.

It was well known at Washington that the South would retaliate by privateering. Upon this we adopted the course of all imaginable the most beneficial to the North, for unless we had acknowledged the Southerners as belligerents we must have disputed the blockade. Yet because it did not chime in with the humour of the moment we

were visited with torrents of threats and abuse,—for what? Because we were not desirous to hang certain American citizens, in order to please other American citizens. When the colonies revolted against us, one of their first steps was to fit out privateers. This occurred before they claimed their independence, whilst they still admitted themselves to be subjects. We captured several but hung none as pirates, nor did our newspapers urge it. Yet now, when the people of the South do precisely what the Northerners did,—and what they are glorified for having done,—we are fiercely denounced because we will not adopt measures for the convenience of others, which we disdained when our own empire was at stake.

Besides, the whole law of the Union is in accordance with the course we pursued. In the judgments of the Supreme Court, the *United States v. Palmer*, Mr. Justice Johnson ruled thus:—“When open war exists between a nation and its subjects, the subjects of the revolted country are no more liable to be punished as pirates than the subjects who adhere to their allegiance.” According to this, the highest American authority, we had equal right to treat the Northerners as pirates as the Southerners. In 1836 the Attorney-General of the United States gave this decision in the case of a Texian privateer: “When a civil war breaks out in a foreign nation, and part of such nation erects a separate government, and the United States, though they do not acknowledge

the independence of the new government, do recognize the existence of a civil war between the contending parties, our courts uniformly regard each party as a belligerent nation in regard to acts done in right of war, and the parties concerned are not treated as pirates." The Northern party, in fact, demanded that we should recognize a state of war by admitting their blockade, and at the same time deny a state of war by treating Southern vessels as pirates.

Thus, there appears little prospect of amendment under the altered rule of the Union. Let any dispassionate American reflect on this history and ask himself the question, whether, if his own country had been thus treated for years by another power, there would have been created in his mind feelings of respect or of sympathy for that Government, or any ardent desire for its continuance? There are some in this country who think the matter has already lasted too long and gone too far, and this feeling is general on the continent. No one can enter into conversation on the subject in Germany, without being told that this country will submit to any exaction and endure any affront at the hands of the United States, from fear of disturbance to trade. A sense of meanness is attached to this which none can witness without pain. Whether this be merited or not, one thing is clear, that there results from the history narrated no ground for us to desire a continuance of the system which has produced such fruits to our-

selves, and assuredly no obligation of any kind to any party in the United States.

The imputation has indeed been thrown out in advance, that if we consider any interests of our own in the subject, we shall prove that cotton is really king over us. Those who have expressed opinions differing from the present views of the North, are said to be ready to sacrifice any principle from sordid motives. This view is so generally adopted that it raises the doubt, whether there are not many who are incapable of conceiving that opinions may be formed, on other than mercenary grounds. Had there been some great principle at stake, we should probably have sacrificed cotton now as cheerfully as we sacrificed sugar before. No such principle originated the war, and it cannot be permitted to enlist it now, at convenience, to suit the exigencies of the day. It is possible we may be a sordid people without any consciousness of it, having no power to see ourselves; but there are certain historical facts of which it may be permissible to remind those who cast this imputation.

When Spain depended for years on our will and power for her national existence, she could not have refused the island of Cuba or the fairest of her colonies, in small requital of such a debt. When Portugal was still more helplessly dependent—how easy to have accepted the enchanting island of Madeira! Sicily, the ancient granary of Rome, was for a long period in our possession;

no one will suppose that the King of Naples had strength to retake it. When we drove the French out of Egypt, who could have prevented our retaining, for ourselves, that stepping-stone to India? Java was ours, the wealthiest island of the East,—there was no might in Holland that could have commanded us to leave it. When we held the mouths of the Euphrates and the Tigris, what power could have wrested from our hold the command of those classic streams? When India lay trembling for her mutiny, our revenge was not to denude of provinces, but to present to her princes the right of regal adoption. Nankin was ours, commanding that great central plain which contains sixfold the population of the United States,—no power could have ejected us against our will. For how long have we sailed fleets and lavished gold and given precious lives in hope to save from bondage fellow-men so poor they cannot even thank us! These are not words or sneers, but facts—facts that are as footsteps of the race in every quarter of the globe;—not those of men who were crawling in a sordid spirit.

Since, then, it is clear, that we can find in this contest neither principle to be respected nor obligation to be remembered, it remains justly open to consider what may be the interest of this country in the case. We have, as we have been told, a “natural ally,” but the selection made was not a happy one. The Northern section of the Union is the natural competitor and self-appointed anta-

gonist of this country ; the Southern portion its natural ally.

No part of the world can be found more admirably placed for exchanging with this country the products of industry to mutual advantage than the Southern States of the Union. Producing in abundance the material we chiefly require, their climate and the habits of the people indispose them to manufactures, and leave to be purchased precisely the commodities we have to sell. They have neither the means nor the desire to enter into rivalry with us. Commercially they offer more than the capabilities of another India, within a fortnight's distance from our shores. The capacity of a Southern trade, when freed from restrictions, may be estimated most correctly by comparison. The condition of those States resembles that of Australia, both non-manufacturing countries, with the command of ample productions to offer in exchange for the imports they require. As a means of payment, cotton is equal to wool, or to gold.

Our exports to the Australian colonies amounted in each of the years 1858 and 1859 to twelve millions. Estimating their population at 1,200,000 this would give precisely £10 per head of population. The numbers in the slave States by the last Census are rather more than twelve millions, and assuming that the four millions of negroes would require nothing imported from this country, there would remain eight millions of consumers.

Our exports to the Union have averaged of late

years twenty millions; the trade is a stationary one in amount, with a constant tendency to alter, to our disadvantage, in the character of the articles composing it. This amount gives but 13s. per head of the population of the Union, a contrast with that of some other countries by no means unintelligible. The North controls the commerce of the country, and its policy is to exclude our manufactures as far as possible, in order to promote its own and monopolize the Southern trade. The people of the North, whether manufacturers or shipowners, regard us as rivals and competitors, to be held back and cramped by all possible means. They possess the same elements as ourselves, coal, metals, ships, an aptitude for machinery, energy, and industry, whilst the early obstacles of deficient capital and scanty labour are rapidly disappearing. For many years they have competed with us in some manufactures in foreign markets, and their peculiar skill in the contrivance of labour-saving machinery, daily increases the number of articles they produce cheaper than ourselves.

Thus to one part of the world our exports are at the rate of £10 per head, whilst those to the Union amount but to 13s. per head. Between these extremes what would be the natural position of the Southern trade, if unfettered by restrictions? It is clear, that if the slave States were to import from us at only half the Australian rate, they would then require double the amount of our

existing exports to the entire Union. Have they the capabilities for a trade of this magnitude?

The exports of the Southern States to foreign countries were, in 1860, 220 millions of dollars, that of cotton exported to the North, 38 millions; and estimating those of other products, sugar, tobacco, rice, hemp, lead, &c., also exported to the North at 40 millions, this would give a total export of above 60 millions sterling. The value of agricultural products imported from the North, is greatly over-estimated by those who take their impressions from the traffic on the Mississippi, forgetting how large is the proportion from the border slave States. Still there is a large import of farm products from the free States. Flour passes both ways: in so vast a country the cost of transport governs local interests and leads to a reciprocating movement in some commodities. Assuming the imports of farm products from the North and of foreign manufactures and products other than our own, to reach together 20 millions, which is beyond our own calculations, there would remain 40 millions sterling to expend in manufactures such as we produce.

Of the articles we export to the United States, about a third is composed of raw materials for Northern manufactures, such as coal, soda, ash, &c., or of others such as metals, to pass through a further stage of manufacture. Dividing the remainder in the ratio of population, we have five millions only as the amount at present taken by

the Southern States. This would leave 35 millions as the amount of manufactures to be purchased by them from the North, or, in other words, seven times the amount they are permitted to obtain from this country.

Again, the Northerners are the shipowners of the Union—our competitors on the seas. The people of the South, with abundant employment for tonnage, have no aptitude for nautical affairs, nor desire to compete with our flag. One of the first measures of their new government was to ordain freedom of navigation. We have seen what amount of justice towards this country was exhibited by the North in the Morrill tariff; another instance occurs in its navigation laws. We admit the ships of the Union to our coasting and colonial trade, where they enjoy every advantage in common with ourselves, and displace no inconsiderable amount of our own tonnage. In return, they exclude us from the great trade between the Atlantic ports, and from that between the Atlantic and the Pacific, on the pretext of terming a voyage of 14,000 miles a coasting trade.

The literature of the Union is also exclusively Northern, and here we have encountered a constant refusal of international copyright. Although our authors might plead that, up to a recent date, they had been the instructors, and in so far the benefactors of America—this gives no concern. Their thoughts—in which the inherent right of man's ownership is clearly as great as in that of

property he may never have seen—these are pirated at once. The Northerners are also the inventors and patentees of the Union. On this subject we find the following passage in De Bow's 'Industrial Resources:' "The patentee, if a citizen or a resident alien, pays into the hands of the Commissioners for his patent 30 dollars. If a foreigner resident abroad, the tax is 300 dollars, but a British subject must pay the sum of 500 dollars. The great distinction in the last case shows clearly from what quarter the severest competition with our own arts was expected." It seems to show more than this—a remarkable injustice to that British subject, who might have no reason to complain that he was charged more than sixteen times as much as a resident, but who certainly may complain that he should be charged nearly seventy per cent more than a Frenchman or other foreigner.

Thus the more the subject is investigated the plainer it becomes, that we have received from the Union as little justice in affairs of commerce as consideration in general politics. It is much to be regretted that after independence was achieved it should ever have been adopted as the general policy, to create a feeling of nationality by the means of instilling hatred of this country. In many minds all this has passed away. There are at the present day numbers of Americans who esteem our institutions even though preferring their own. There is a strong tendency in the literary mind of America to draw closer to this

country : these are, however, but a handful to the multitude, nor is their voice ever heard in directing the policy of the Union. The mind may be with us, but the mass is not—the power is not—the policy is not.

in millions of

Total exports,

1856 . 310 $\frac{1}{2}$

7 339

8 293 $\frac{3}{4}$

9 336.

1859
Colon 161 $\frac{1}{2}$

Tobacco 21

Wine 2 $\frac{1}{2}$

Merchandise

37 millions.

Starting

Reverting to the trade of the Southern States, it seems strange that a people whose commerce is so extended as to reach exports of 60 millions sterling, should not be permitted to regulate for themselves so vast a trade. How many of the kingdoms of Europe might be added together without equalling the sum. Not less strange is it that a trade of such enormous magnitude should be so fettered, as only to permit an eighth part of the manufactures required, to be received from ourselves. When the colonies rebelled, their exports were not as many shillings as these are pounds, yet they deemed themselves of sufficient importance to make their own fiscal regulations. Why the same rule should not apply in a case so much stronger, is not apparent. This, however, is very apparent, that the industrial interests of this country would be benefited in the highest degree, by any event that should terminate the policy of exclusion so long practised against us, and which, under the unrestricted rule of the present protectionist party, is about to be converted into a practical prohibition of all our leading manufactures.

We have seen that any restoration of the Union by force is hardly to be considered a possibility; yet it may be well to consider the probable poli-

tical effects of that event if it should be accomplished. There would at once be a prevailing desire to obliterate painful recollections and win back the good will of the South. What bribe should be spared for an object of such importance? Spain has given grave offence; the Munroe doctrine may be easily extended to St. Domingo. Cuba would be a very convenient peace-offering—gratifying to the ambition of all—something to divert the thoughts from brooding on the debt incurred. The extension of slavery would probably be one of the first-fruits of a restored Union; and this in addition to various measures for its increased protection. The Abolitionists are now in favour, they are useful, they give an impetus, they work in the common direction; but the moment they ceased to be needed, they would be cast aside and thrust back to the position they have hitherto occupied in the esteem of Northern politicians.

A still more important consequence would be far from improbable. There would be within the Union 500,000 men to disband and cast adrift. The republic, as we know, had a narrow escape from destruction, when at the end of the revolutionary war the small force then existing was disbanded. On reflection there will appear a most formidable danger, in suddenly turning loose upon the country half a million of armed men, part elated with victory, part embittered with defeat. For some of these employment would be desirable. The conquest of Canada has been twice seriously

attempted, and the fact is remarkable that it should have been one of the first efforts of the revolted colonies. The desire for its possession rarely seems to have been long absent, and but a few months ago was plainly expressed by the Prime Minister of the Northern government. When a victory was recently supposed to be won, the first thought of triumphant ardour seems to have been to invade Canada. The Western States after rescuing the Mississippi, would re-assert the inconvenience of leaving the St. Lawrence in the hands of a foreign power. Those who appear to shudder at the idea of such a war may well consider the serious probability that this would result from a triumphant restoration of the Union.

Its effect on the politics of the country may readily be imagined. Already the machinery of government has been several times on the point of arriving at a dead stop. In the session of 1859, no less than forty-four ballots were required before a speaker of the House of Representatives could be chosen, legislative action remaining in suspense. In 1855, nine weeks were wasted in the unseemly spectacle of party contests for the speakership. And if this has already occurred, what is likely to be the working of the machine when part of the members are inflamed with victory and the rest actuated by former hatred now rendered more intense by the humiliation of defeat.

A question would immediately present itself,

calculated to rouse animosity to the highest pitch. After conquering the South, it would be infatuation to withdraw the troops entirely, and leave behind the arms and munitions of the defeated party. All history teaches how arduous is the task of extinguishing the last embers of civil war—the pertinacity with which when trampled down they continue to smoulder and struggle to revive. The craving for revenge becomes in many minds a stronger stimulus than the first impulse to action, and those are seldom wanting who have suffered enough in fortunes or affections to feel the full power of this passion. Ordinary prudence would require that the country should be disarmed and held down by garrisons, till all this had leisure slowly to disappear. The cost of such garrisons would be enormous; the West would be impatient of taxation for such an object—customs duties could yield no surplus to meet it, and but one course would remain—that the South should defray the expenditure resulting from its own act. Here, then, high-spirited men, stung with humiliation, would be assembled in Congress to discuss and vote the taxing of themselves, to pay for their own subjugation and to support the garrisons required to maintain their own subjection.

It would appear, therefore, that even were it possible to effect the present object of the North—such a victory would prove in the end more disastrous than defeat. It would probably be followed by a foreign war—free institutions would

cease to be practicable—a military hero would take, as a dictator, the seat that Washington filled as father of the country—the former evils incidental to the Union would return with redoubled force—and the prospect of the future would be that of a fresh outbreak at no distant period, to repeat all the present calamities.

What then will be the probable results of a separation into two powers? To those great advantages it would afford to the South which may be inferred from the previous inquiries, there would be added some collateral benefits. Hitherto the South, practically, has been deprived of a metropolis—thrown back to the outskirts of civilization, as a huge assemblage of limbs without a head. The existence of a distinct metropolis of its own, would draw together men of eminence in science and art—form a literary society—concentrate the feeble rays of scattered intelligence—and act as a centre from which would radiate a refining influence of learning and taste.

The change would also lead to a great extension of minor manufactures, existing at present on a comparatively narrow scale. This would afford that employment to the poorer white class, so deplorably needed. But the great and certain advantages are those which would come at once into force. The people of the South would cease to be tributary. The cost of their government would be expended on their own soil. They would be liberated from the trammels now imposed

on their industry. They would escape from a sense of injustice. It would no longer be necessary to struggle for territory or plunge into barbarism, in order to maintain the balance of political power. Slavery, ceasing to be an affair of embittered politics, would come within the reach of reason's voice, and stand out face to face with that great power—public opinion—against which it cannot ultimately prevail.

To the Northern power, though there might be no apparent gain, there would not be less real advantage. Before considering the nature and extent of this, it may be well to weigh the difficulties which the supporters of the Union hold to be insuperable. Unquestionably there will be serious inconveniences, for what change, however beneficial, can be effected that will injure no interest or be liable to no drawback? But the evils commonly alleged appear greatly exaggerated by excited apprehensions. It has been contended that to live in peace will be impossible with only a river, the Ohio, as the boundary between two independent powers. But between the United States and Canada the boundary is for some distance simply an imaginary air line; from this no difficulty ensues.

Again, we hear in strong terms that the Western States will never permit the mouth of the Mississippi, the outlet of their products, to remain in the hands of a foreign power. But the Western States will soon be reconciled to that which they

find it impossible to avoid, nor have they any difficulty in permitting this in another direction. The St. Lawrence is the outlet of the greater part of that region, and the growth of population in Wisconsin, Minnesota, Michigan, and around the border of the lakes, renders this more prominent every year. Yet the possession of that river by a foreign power has neither checked their progress nor disturbed their peace. And how many separate powers are there on the Rhine, with its outlet in Holland—how many on the Danube, with its mouths in the hands of Turkey? The only force in the objection lies in the supposition, by the Americans themselves, that they are unable to live in harmony under the same conditions as the people of Europe. If this be so, the cure should be, not in perpetuating such a condition, but in removing the causes that have produced this effect on the national character.

It is true that the severance of the Southern States may diminish for a time the commerce of some districts, but in a few years—but a moment in the lifetime of a nation—that trade will undoubtedly become greater than before. No political change will bar out enterprise and capital from obtaining the lion's share. To end the exploded system of protection, would check for a time the growth of some branches of industry; but nothing can prevent the North from becoming a great manufacturing power—eventually perhaps the greatest of industrial powers. Manufactures

are a question of coal and energy. The Northern States have more coal in one of many fields than exists in the whole of Europe—and of energy assuredly there is no lack. The change would be simply this—progress would be retarded for a time—for a few years—to be more sure and sound throughout all the future history of the nation.

And against this there would be a political result of the change that appears of inestimable value. The Northerner has been practically excluded from the rule of his own country. Through the Southern party alliance, in many most important districts, the foreign element had come to have the casting vote, the deciding political power. This in New York is with the Irish, in Pennsylvania with the Germans. Large regions in the West are becoming altogether foreign. Can this be a desirable condition in which to maintain the political status of any country? It seems to conflict sorely with that spirit of nationality—so vehement in words, and apparently so indifferent to facts.

This overgrown foreign element has exercised a most injurious influence in the North in several directions. What is there so humiliating to the United States, or so baneful to its people, as the condition into which its press has fallen? But the most violent of these papers—those which delude the popular mind and sully the national character—are most of them conducted by

foreigners, frequently men who in their own countries would assuredly not have been selected as popular instructors. The American is acutely sensitive to a word of criticism expressed by a foreigner; yet he permits shoals of the lowest order of foreigners to influence the press of the country, and become the political instructors of his people.

The great evil which is apprehended by the North as the result of a separation is undoubtedly the loss of dominion. It has been urged that no reasoning would ever satisfy an Englishman that it might be well to part with India or the other possessions of the empire, and thus come within the dimensions of a third-rate power. But the argument, like so many others we have examined, although specious, is not applicable to the facts. The British Islands are small, densely peopled; the Northern States are vast, and to this day, to a large extent, are rather occupied than inhabited. The one needs room for its people, the other people for its space. The man who owns a great mansion of which half the rooms are empty, and who inhabits but a corner, can hardly be compared with another whose family has grown too large for his modest dwelling. If England, like the Northern States, had been three thousand miles across, we should have made our India at home.

Let us, indeed, see what would still be the extent of the Northern power, assuming that the whole of the slave States depart, and should even take with

them the territories of New Mexico and Arizona, in which slavery exists. There are now nineteen free States, of which the area is 993,684 square miles, and there are six territories which, excluding those named, comprise an area of 1,168,000 miles. Thus the total magnitude of the Northern power would be 2,161,684 square miles. Now the combined dimensions of four of the five great European powers are together 625,000 square miles. Thus the Northern territory would be three times as large as that of four of the great powers of the world together.

There are eight kingdoms of Europe of which the population in 1850 was 20 millions, the same as that of the Northern States. Of these the combined area is 120,000 square miles. Hence the domain of the Northern power would be eighteen times as large as that of eight European kingdoms joined together. Again, France is not considered a small country, and it would be twelve times as large as France. This seems a strange, disordered appetite for mere space, and not a reasonable desire for that degree of magnitude which an independent power ought really to possess.

There appears an illustration in this of the views already expressed, how far the Union has distorted the standard of dimension. It seems to have thrown a mist, a glare over the public mind, obscuring all realities. Any American will admit that the dimensions of France are ample for a

great power, yet as a Unionist he plunges into the horrors of civil war, because his country with half the population of France would be reduced to twelve times the size. These are dreams of a nation's youth. How few have not had to put away early dreams, and narrow thought to less alluring realities !

Was there in this sufficient cause that men should proceed to destroy each other? At the best, when accepted as a sad and stern necessity, war is but a form of legalized and organized murder. At the best it is pitiable to see the human mind contriving how most effectually to destroy our fellow-men. But civil war, between those of the same tongue, of the same lineage, nay, often of the same household, in this there is indeed wickedness and woe. Nor is it less deplorable when sought by those who profess to be disciples of Him who bid his follower to put up his sword into its sheath, and taught that the inheritance of the earth is to the meek. Nor is it less to be condemned when they are the sons of rebels, who are so bitterly indignant at rebellion—the worshippers of independence, who so detest it when claimed by other voices than their own. Lamentable, the judgment which affirms that after the rebellion is crushed the Union shall issue forth “unchangeable and unchanged.” A skilful workman may repair some broken vase—the pieces may be cunningly arranged—spread over with a new enamel. But the value is gone. There is now a thing of

cemented fragments—its worth in the power to deceive. When a Union of strong men is broken, no workman's skill can mend it. With blood it may be smeared; but the shedding of human blood has no virtue that will cement.

In truth no real Union has existed in America. Such can alone be formed of elements that will combine and coalesce; when discordant and repulsive there may be an aggregation—a Union there cannot be. Oil and water may be commingled but they cannot be united. Mutual interests may form a union—reciprocal affection—sympathetic feeling—some great and common object of desire or dread. When these have no existence, but in their place are incompatibility and repugnance—men may be connected by the letter of the law, or fettered by resistless force—but to call this a Union is to deny the principle and the essence, and delude ourselves with the sound of a name.

And this loss of territory, regarded as so great an evil as to overshadow every other consideration, is it really an unalloyed evil; may there be no countervailing and still greater good? Is it not a nobler ambition to aim at individual greatness, than to boast in some share of partnership in magnitude? The South by the severance renders itself incomplete as a community. It will be left without a navy or marine, with few artisans, little science, no literature. Were the North moving away, this might indeed be urged as a grievance and contested as the excision of part of a system

essential to the well-being of the rest. But the Northern power remains in full possession of every attribute of a great nation. And those Americans in this country, who though remote from the popular current yet sympathize with its movement—may do well to recollect, as they shrink from this narrowing of former views—that when the British empire was lessened so greatly by the independence of the colonies, there were earnest men in this country who believed and mourned that its glory had departed for ever. For the dark predictions of that period there was some excuse, for they were uttered when looking into the gloom of an unknown future. Now, who does not know that the darkness of that era was followed by a dawn that has widened ever since—not unchequered by transient clouds—yet ever growing clearer and brighter to this very day?

If this has followed a similar event in our case—why may it not also with the North? Had we succeeded in our effort, so similar to their own—had we subdued and retained the colonies for ten, twenty years more—none can believe that real advantage would have accrued. The expense, the heartburnings, the distrust, the turmoil inevitable afterwards, would have been equally disastrous to both. In every sense, the anticipated evil has proved an actual good. And there are stronger reasons to foresee the same result in the present instance. The colonies exercised on us no influence for evil—enforced no compromises of principle—had

no corrupting effect on public opinion. But slavery, however it may be with those nurtured to quiescence—must needs act poisonously—when injected into the veins and incorporated with the system of communities that are free. Can the event be altogether evil that removes an influence such as this?

In that work in which, under the surface of a playful fancy, such true wisdom may be found—Washington Irving wrote thus: “Happy is that nation which, compact, united, loyal in all its parts and concentrated in its strength, seeks no idle and unprofitable acquisition of ungovernable territory—which, content to be prosperous and happy, has no ambition to be great. It is like a man, well organized in all his system, sound in health, and full of vigour; unencumbered by useless trappings and fixed in an unshaken attitude. But the nation, insatiable of territory, whose domains are scattered, feebly united and weakly organized, is like a senseless miser, sprawling among golden stores, open to every attack, and unable to defend the riches he vainly endeavours to overshadow.”

There is something in this that carries conviction to the reason. The time has arrived when the North, by the removal of discordant elements, may really become within itself this “happy nation—compact—united—loyal in all its parts and concentrated in its strength.” The very condition thus pictured for his country’s good by the ablest of her writers,—the choicest spirit of her sons—

that condition is now within her reach. And is the calamity that brings it really to be deplored when it comes—it may be rudely in its form—yet if we may use the words—when it comes “with healing on its wings?”


Here is this vast Northern territory, extending from the Atlantic to the Pacific—with noble harbours on either coast, linked by a chain of inland oceans—with a climate that sustains the energy of man—a soil fruitful in grain—beneath it, mineral store of future riches beyond our calculation. Yet over this there was a danger ever impending—a dark sullen cloud hung lowering always. Slavery was there, to clash with emotions of honest pride—millions of slaves in the nation, to baffle the thirst for nationality—the very name of Union had something hollow in its sound; slavery was disunion, discordance at the core.

And what is the calamity that has befallen this people? All these elements remain—they wait to be developed. All those mines of coal, of iron, of copper, of gold—mills, and looms, and forges—ships cleaving the waters of remotest seas—men vigorous, inventive, indomitable, alert to mould or master every change of fortune—all these remain. And slavery is gone. That old dark cloud is swept away. Now, through this wide dominion—a seventh of the globe’s circumference—all may indeed assert life, liberty, and the pursuit of happiness, nor fear that men shall mock them. At last, it is possible to be a nation—and rising out of this

convulsion with manly resolve—to achieve that true greatness of worth and deeds till now so poorly represented by the empty boast of magnitude.

We conclude that the Federal compact has ceased to benefit the people of the United States, and is wholly incapable of being restored. We have seen that those Southern States which were parties to it, entered it of their free will as sovereign, independent powers, and possess now the right to withdraw from it by passing an ordinance of convention. Upon the States since admitted, and void of this inherent right, all the powers of the rest have been conferred. In this view the Southern States have merely exercised a just constitutional right. Nor can we fail to consider that their course in its nature is one prompted and sanctioned by every tradition revered, or political principle hitherto professed, in America. Hence the attempt to subdue them, we hold to be not only hopeless of accomplishment—incapable, were it effected, of attaining the objects professed—but also based on a denial of just political rights. It appears to us simply the attempt of a majority, in virtue of its power, to exercise its despotic will.

And further it appears, from the authorities and evidence examined, that the present form of government in the United States is essentially wanting in the elements of durability—that although powerful when expressing the passions of the people, it is powerless when attempting to



control them. We see that with the restoration of the Union, were it a possible thing, would be restored, and with aggravated force, those elements which have caused the degeneracy apparent to all observers. In Washington's farewell address are these words: "Observe good faith and justice to all nations, cultivate peace and harmony with all. It will be worthy of a free, enlightened, and at no distant period a great nation, to give to mankind the too novel example of a people always guided by an exalted justice and benevolence." This advice has not been followed. The example the United States have really given to mankind is, as we have seen, so opposed to it, that any well-wisher of the American people may welcome for their sakes an event that may change the direction of their course, and enable them to adopt the words of their patriot hero as a guide to follow—not to spurn.

Whoever desires to flatter, may chime in with the humour of the hour—but sincerely desiring their true greatness we express earnestly—be it ever so erroneously—the clear conviction that nothing is more essential to the real welfare of the American people than a termination of the American Union.

"There is no where found upon the face
of the constitution any clause intimating
it to be a compact or in any way providing
for its interpretation as such. On the
contrary the Preamble emphatically speaks
of it as a solemn ordinance & establish-
ment of Govt. The language is "We
the people of the US do ordain &
establish this constitution for the
US of America. The People do ordain
& establish - not contract & stipulate
wth each other - The People of the
US not the distinct People of a
particular State wth the People
of the other APPENDIX. States. The
People ordain & establish a
constitution not a confederation.
The distinction between a Constⁿ & a
Confedⁿ is well known & understood.
The latter or at least a pure
confederation is a mere treaty
or league between independent
States & binds no longer than during
the good pleasure of each. It rests
for ever in articles of compact where
each is or may be the supreme
of its own rights & duties. The former
is a permanent form of Govt. where the
powers once given are irrevocable & cannot
be resumed or withdrawn at pleasure."

APPENDIX.

DECLARATION OF INDEPENDENCE.

In Congress, July 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while

evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in

the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary

government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms : our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of

attempts by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

WE, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

<i>New Hampshire</i>	{	Josiah Bartlett,
		William Whipple,
		Matthew Thornton.
<i>Massachusetts Bay</i>	{	Samuel Adams,
		John Adams,
		Robert Treat Paine,
		Elbridge Gerry.

<i>Rhode Island, &c.</i> . .	{ Stephen Hopkins, William Ellery.
<i>Connecticut</i> . . .	{ Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.
<i>New York</i> . . .	{ William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.
<i>New Jersey</i> . . .	{ Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.
<i>Pennsylvania</i> . .	{ Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.
<i>Delaware</i> . . .	{ Cæsar Rodney, George Read, Thomas M ^c Kean.
<i>Maryland</i> . . .	{ Samuel Chase, William Paca, Thomas Stone, Charles Carroll, of Carrollton.
<i>Virginia</i>	{ George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

<i>North Carolina</i>	.	{	William Hooper,
		{	Joseph Hewes,
		{	John Penn,
<i>South Carolina</i>	.	{	Edward Rutledge,
		{	Thomas Heyward, Jun.,
		{	Thomas Lynch, Jun.,
		{	Arthur Middleton.
<i>Georgia</i>	.	{	Button Gwinnett,
	.	{	Lyman Hall,
	.	{	George Walton.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION

Between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ART. 1. The style of this Confederacy shall be "The United States of America."

ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled.

ART. 3. The said States hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force, offered to or attacks made upon them on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this union, the free inhabitants of each of these States (paupers, vagabonds, and fugitives from justice excepted) shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, im-

sitions, and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any State to any other State, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in any meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress ; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.

ART. 6. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state ; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state ; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States in Congress assembled for the defence of such State or its trade ; nor shall any body of forces be kept up by any State, in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to gar-

rison the forts necessary for the defence of such State ; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies or shall have certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted ; nor shall any State grant commission to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. 7. When land forces are raised by any State for the common defence, all officers of or under the rank of colonel shall be appointed by the legislatures of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct ; and all vacancies shall be filled up by the State which first made the appointment.

ART. 8. All charges of war and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion

to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States in Congress assembled.

ART. 9. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article ; of sending and receiving ambassadors ; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever ; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated ; of granting letters of marque and reprisal in time of peace ; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever, which authority shall always be exercised in the manner following : whenever the legis-

lative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question ; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination : and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive: and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged

among the acts of Congress, for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the Supreme or Superior Court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward;" provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed ^{by} ~~under~~ ^{by} different grants of two or more States, whose jurisdictions as they may respect such lands and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated; establishing and regulating post-offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the

government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of President more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldierlike manner, at the expense of the United States; and the officers and men to be clothed, armed, and equipped shall march to the place appointed, and within the time agreed on, by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the legislature

of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on, by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them; nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ART. 10. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. 11. Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union; but no other Colony shall be admitted into the same unless such admission be agreed to by nine States.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every State shall abide by the determinations of the United States in Congress assembled on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

These Articles shall be proposed to the legislatures of all the United States, to be considered, and, if approved of by them, they are advised to authorize their delegates to ratify the same in the Congress of the United States; which being done, the same shall become conclusive.

CONSTITUTION OF THE UNITED STATES.

The Constitution framed for the United States of America, by a Convention of Deputies from the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, at a Session begun May 25, and ended September 17, 1787.

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

✓ SECTION I.—All Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

✓ SECTION II.—1. The House of Representatives shall be composed of members chosen every second year, by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States; and, within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration

of the fourth year ; and of the third class, at the expiration of the sixth year ; so that one-third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside ; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof ; but

the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

✓ SECTION V.—1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

✓ 2. Each House may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

✓ SECTION VI.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses,

and in going to and returning from the same: for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office, under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him, or being disapproved by him shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.—The Congress shall have power,

- ✓ 1. To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:
- ✓ 2. To borrow money on the credit of the United States:
- ✓ 3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:
- ✓ 4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:
- ✓ 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:
- ✓ 6. To provide for the punishment of counterfeiting the securities and current coin of the United States:
- ✓ 7. To establish post-offices and post-roads:
- 8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries:
- 9. To constitute tribunals inferior to the Supreme Court:
- ✓ 10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

12. To raise and support armies ; but no appropriation of money for that use shall be for a longer term than two years :

13. To provide and maintain a navy :

14. To make rules for the government and regulation of the land and naval forces :

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions :

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States ; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings : and,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof.

SECTION IX.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress

prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present emolument, office, or title of any kind whatever from any king, prince, or foreign state.

SECTION X.—1. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except

what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

✓ 3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

✓ SECTION I.—1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :—

✓ 2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress ; but no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

3. The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives,

open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, de-

claring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SECTION II.—1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper

in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.—He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.—The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.—The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION II.—1. The Judicial power shall extend to all

cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors; other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.—Full faith and credit shall be given, in each State, to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person, held to service or labour in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION III.—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as

to prejudice any claims of the United States, or of any particular State.

SECTION IV.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments; which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

*Here we
the People
of the U.S.
clearly give
protection
right of Congress
on the subject
of rat. to
the States.*

ARTICLE VI.

1. All debts contracted, and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the

United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President,*
and Deputy from Virginia.

<i>New Hampshire</i>	.	{	John Langdon,
		{	Nicolas Gilman.
<i>Massachusetts</i>	.	{	Nathaniel Gorham,
		{	Rufus King.
<i>Connecticut</i>	.	{	William Samuel Johnson,
		{	Roger Sherman.
<i>New York</i>	.	.	Alexander Hamilton.
		{	William Livingston,
<i>New Jersey</i>	.	{	David Brearley,
		{	William Paterson,
		{	Jonathan Dayton.

<i>Pennsylvania</i> . . .	{ Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimmons, Jared Ingersol, James Wilson, Gouverneur Morris.
<i>Delaware</i>	{ George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.
<i>Maryland</i>	{ James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.
<i>Virginia</i>	{ John Blair, James Madison, Jun.
<i>North Carolina</i> . .	{ William Blount, Richard Dobbs Spaight, Hugh Williamson.
<i>South Carolina</i> . .	{ John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
<i>Georgia</i>	{ William Few, Abraham Baldwin.

Attest WILLIAM JACKSON, *Secretary*.

AMENDMENTS.

The following Articles in addition to, and amendment of, the Constitution of the United States, having been ratified by the Legislatures of nine States, are equally obligatory with the Constitution itself.

I. CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

II. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

*The People
Protected
against
their separate
States.*

III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any

criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

VIII. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

XI. The Judicial power of the United States shall not be construed to extend to any suit in law or equity com-

menced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

XII. § 1. The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President ; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the Government of the United States, directed to the President of the Senate ; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted ; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

§ 2. The person having the greatest number of votes as Vice-President shall be Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. § 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

XIII. (passed 3rd March, 1861). That no amendment shall be made to the Constitution, which will authorize or give Congress power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labour or servitude by the laws of said State.

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